

SECTION IV

PERSONNEL: GENERAL PROVISIONS

STATEMENT OF ETHICS FOR STAFF AND ADMINISTRATION*

As an employee of Temple College, I will strive to improve Temple College and public education, and to that end I shall adhere to the following ethical standards:

Each employee;

Will treat all persons with respect, dignity, and justice, discriminating against no one on any arbitrary basis such as ethnicity, creed, gender, disability, age, or veteran's status.

Shall work to enhance cooperation and collegiality among students, faculty, administrators, and other personnel.

Will make the most judicious and effective use of the College's time and resources.

Shall fulfill the employment agreement both in spirit and fact, shall give reasonable notice upon resignation, and shall neither accept tasks for which he or she is not qualified nor assign tasks to unqualified persons.

Shall support the goals and ideals of the College and shall act in public and private affairs in such a manner as to bring credit to the College.

Shall not engage in any form of harassment or sexual harassment of students or fellow employees and shall adhere to the college's policy listed within this section of the handbook on sexual conduct. Each employee will participate in a training program designed to prevent sexual harassment.

Will observe the stated policies and procedures of the College, reserving the right to seek revision in a judicious and appropriate manner.

Shall participate in the governance of the College by accepting a fair share of committee and institutional responsibilities.

Shall accept all rights and responsibilities of citizenship, always avoiding use of the privileges of his or her public position for private or partisan advantage.

Will report any discrepancy or wrongdoing to their appropriate supervisor.

*Adapted from the Texas Community College Teachers Association, Code of Professional Ethics, (Revised February 20, 1997).

EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of Temple College that all persons including applicants and employees shall receive equal opportunity in accordance with their individual job-related qualifications, without regard to race, gender, disability, color, age, religion, national origin, or veteran status. Equal opportunity shall include, but not be limited to decisions related to: all staffing which includes but is not exclusive to the upgrading of positions, promotions, demotions, transfers, recruitment or recruitment advertising, layoff or termination, rates of pay, and selection for training. The College will post their Re-affirmation of Affirmative Action outside the Human Resource Office each year.

In accordance with Section 504 of the Rehabilitation Act of 1973, and the American with Disabilities Act, Temple College issues notice that it does not discriminate on the basis of disability in admissions, access to or treatment or employment in its programs and activities. The Associate Vice President, Resource Management will serve as the Coordinator for Compliance for this act. All applicants or employees with a disability who need any reasonable accommodation shall contact the Associate Vice President, Resource Management so that a reasonable accommodation can be provided.

EMPLOYMENT OF PERSONNEL

To assure equal opportunity to any person interested in employment opportunities at the College, the following recruiting and employment practices will be applied when a vacancy occurs:

1. The requesting office must complete, with appropriate signatures, an employment requisition form and send the form to the Human Resource Office. The requisition form is available in the Human Resource Office and online. Part-time faculty are hired on an as needed basis for the coming semester but a Personnel Action Notice form is still needed to complete the hire.
2. On the day the completed employment requisition form is received in the Human Resource Office a Vacancy Announcement and accompanying folder will be created. The requesting office will be contacted to determine if there are any preferences for the position. An advertisement will be created from the job description, listing the minimum qualifications for the position, and related preferences, then sent to the appropriate media. The vacancy announcement will also be sent via e-mail to all employees listed in the College e-mail list. Additional postings will be placed in the Administration Building- bulletin board on the first floor and Human Resources bulletin board, Maintenance Building, Nursing Building, Library, and One College Centre. Applications received in other offices on campus must forward the application to the Human Resource Office. All inquiries from applicants regarding any open position must be directed to the Human Resource Office.
3. Applications will be accepted only for positions that are advertised as open. Since part-time faculty positions are filled on an as needed or continuous basis, applications will be accepted daily and forwarded to the appropriate department as needed. Please note that a continuous "pool" of part-time faculty applications will open on March 1 and close on the last day of February, yearly pool. All applicants who choose to have their application remain on file for this particular pool, after the last day of February, will have to update or renew their application otherwise they will be archived and not considered for open positions. Part-time faculty are selected, from applications received, by the Departmental Chair with concurrence by the Division Director, Vice President, and President. Credentials are screened by the Departmental Chair to verify the selected part-time applicant meets the minimum educational or verifiable accomplishments/work experience to teach a class.
4. All applications received in the Human Resource office will be pre-screened. Applications that are incomplete, not signed or submitted without all requested material by the vacancy announcement end date will not be considered and will be returned to the applicant. All applications received that meet the minimum requirements for the position and have submitted all accompanying materials will be forwarded to the requesting office.

Role of the Search Committee

- A. Department chair or supervisor - Insures the process is consistent with Temple College policy and procedures; provides committee members copies of the job description, applications, and interview questions prior to the interviews; monitors the committee process; provides all relevant information, questions, and applications to the committee before the interviews; coordinates information on the job requirements and specifications with the committee chair. Committee will consist of a minimum of three staff or faculty members. A representative from the Human Resources Office will be included on hiring committees for Professional Staff and Full-time Faculty.
- B. Members - Commit time to study the candidate's files, fully participate in the hiring activities, and meet deadlines.

To insure compliance with the various state and federal laws, selection procedures such as a matrix or matrices, interview questions, and reference check questions must be submitted to and approved by the Human Resources Office prior to conducting any of these procedures.

Before applicants are to be reimbursed for travel expenses, the search committee must make every effort to secure an interview through a Web interaction process, contact HR and IT For details. Applicants who receive interviews and live out of the area will be partially reimbursed for travel expenses, limited as follows: for those within a 65 mile radius of Temple College, there will be no reimbursement of expenses. For applicants outside of the 65 mile radius but within a 250 mile radius of Temple College, reimbursement will be made for mileage only. For those outside of the 250 mile radius, reimbursement of travel expenses will be made up to \$150.00. Relocation expense for applicants hired who are within a 250 mile radius will not receive a reimbursement but those outside of the 250 mile radius will be reimbursed up to \$250.00. The applicants must request reimbursement and must provide receipts to be eligible for reimbursement.

A salary calculation must be created before any offer of employment is made to the Applicant. Salary calculations are created in the Human Resources Office.

Salary calculation, submission of official transcripts, application, cover letter accompanying applications resume, letters of recommendation, reference checks, Personnel Action Notice, and letter of recommendation for employment must be completed for all hires by the staff or faculty hiring official, including part-time faculty, before being sent to the Division Director or appropriate Vice President for approval. If any of the material is not submitted, it will be returned to the requesting office. It is imperative that all required employment material be completed and ready for approval by the President of the College no later than one week after the start of classes.

Employees will not be transferred if there are no vacant positions available. If a position is vacant, the employee must meet the minimum requirements of the position. The employee must have written approval of the appropriate supervisor or department chair from the department in which the employee is seeking the transfer and the written approval of the appropriate supervisor or department chair in which the employee is seeking to transfer out of. All transfers must be approved by the President of the College.

Employees may be promoted to a higher classification level but any promotion must be approved by the President of the College. This policy is not intended to guarantee any employee a promotion or transfer.

Emergency situations which require the immediate naming of a replacement (e.g., a class which has lost its teacher and must have an immediate replacement) should be handled on a "temporary appointment basis" only, and filling the vacancy must subsequently be done in accordance with the regular advertising/selection process.

Applicants that are selected for all positions will undergo post-hire checks that include but are not limited to background, reference, criminal history, and other checks as appropriate.

Board approval is required for the appointment of full time and part time faculty,

administrators, and administrative staff. The College President approves classified staff appointments.

All applicants shall be considered for hire, promotion or transfer without regard to race, sex, disability, color, age, religion, national origin, or veteran status. Temple College is an Equal Employment Opportunity Employer and Affirmative Action Employer.

INTRODUCTORY PERIOD

All employees hired within the guidelines of the Classified Personnel Schedule shall serve an introductory period of ninety days from the date of hire. An employee can be terminated for any reason during the introductory period at the recommendation of the supervisor with the concurrence of the Associate Vice President of Resource Management and the approval of the President. Completion of the period does not alter the employment the at-will relationship. Introductory employees can accumulate vacation and sick leave during this period but cannot use them until the end of the introductory period.

PREVENTING SEXUAL HARASSMENT

It is the policy of Temple College that sexual harassment of employees at Temple College is unacceptable and will not be tolerated. Each employee, faculty member, Board Trustee, and other TC associated personnel will undergo online yearly training on preventing Sexual Harassment and submit evidence of completion of training to the Human Resource Office.

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, and other verbal, physical or suggestive conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment, advancement or academic advancement; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions or academic decisions affecting such individual; or
- Such conduct has the effect of substantially interfering with an individual's work or academic performance or creating an intimidating, hostile, or demeaning employment or educational environment.

Examples of Sexual Harassment

Examples of sexual harassment include but are not limited to:

- Suggestive or obscene letters, notes, invitations
- Sexually demeaning comments, epithets, slurs or jokes,
- Impeding or blocking movements in a sexually suggestive manner,
- Threats or insinuations of seeking sexual favors where if the favor is not granted the person making the threat seeks reprisals by withholding support for promotions or conducts poor performance reviews.

Reporting of Sexual Harassment

Any employee who feels he/she is a victim of sexual harassment by any administrator, supervisor, other employee, student, or any other person in connection with employment activities at Temple College should initiate the complaint by bringing the matter to the immediate attention of his/her Department Chair or Supervisor. The complaint can be done verbally (informal) or written (formal). The supervisor, in turn must immediately report the complaint to the AVP, Resource Management. If an employee who is uncomfortable, for any reason, in bringing such matter to the attention of their supervisor or if the employee is unsure as to where the complaint is to be initiated the employee should immediately report the incident to the AVP, Resource Management. If no other person is

available or deemed suitable by the employee for receiving the complaint, the employee may submit a complaint in writing to the President of the College. However, no employee alleging such harassment must present the matter to the person who is the subject of the complaint.

The AVP, Resource Management will begin an investigation after receipt of the employee's complaint. All reasonable action will be taken to assure the complainant and those testifying on behalf of the complainant will not suffer any form of retaliation as a result of their activities.

Disciplinary Action

Any employee who is determined, after an investigation, to have engaged in sexual harassment in violation of this policy will be subject to disciplinary action up to and including discharge.

In addition, any supervisor that fails to take corrective actions when that supervisor knows that a subordinate employee is being subjected to sexual harassment is subject to disciplinary action up to and including discharge.

A student having been found to have engaged in and charged with sexual harassment against an employee of the College will be subject to sanctions provided for in the Student Handbook.

Outside vendors, applicants or any person coming on campus grounds found to have engaged in and charged with sexual harassment against an employee of the College will be subject to expulsion and/or being banned from the campus.

False Report of Sexual Harassment

Any employee who is shown to have intentionally or maliciously filed a false report of sexual harassment against another employee is subject to disciplinary action up to and including discharge.

HARASSMENT POLICY

It is the policy of the College that harassment of employees or applicants for employment in any form based on their race, gender, disability, color, age, religion, national origin, or veteran status is unacceptable conduct and will not be tolerated. Harassment constitutes any verbal or physical conduct, which creates an intimidating, offensive, or hostile environment based on any such protected status. Any applicants or employees who feel that they are a victim of harassment by any supervisor, management official, other employee, student, client, or any other person in connection with their employment at the College should bring the matter to the immediate attention of their Department Chair or Supervisor. Employees who are uncomfortable for any reason in bringing such matter to the attention of their Department Chair or Supervisor should report the matter to the AVP Resource Management or the President of the College. Any questions about this policy or potential harassment should also be brought to the attention of the same persons. The College will promptly investigate all allegations of harassment and take appropriate corrective action if such action is warranted. An employee who is determined, after investigation, to have engaged in harassment in violation of this policy will be subject to appropriate sanctions up to and including discharge.

THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Â§ 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law

applies to all schools that receive funds under an applicable program of the U.S. Department of Education.

FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

- Parents or eligible students have the right to inspect and review the student's education records maintained by the school. Schools are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.
- Parents or eligible students have the right to request that a school correct records which they believe to be inaccurate or misleading. If the school decides not to amend the record, the parent or eligible student then has the right to a formal hearing. After the hearing, if the school still decides not to amend the record, the parent or eligible student has the right to place a statement with the record setting forth his or her view about the contested information.
- Generally, schools must have written permission from the parent or eligible student in order to release any information from a student's education record. However, FERPA allows schools to disclose those records, without consent, to the following parties or under the following conditions (34 CFR Â§ 99.31):
 - School officials with legitimate educational interest;
 - Other schools to which a student is transferring;
 - Specified officials for audit or evaluation purposes;
 - Appropriate parties in connection with financial aid to a student;
 - Organizations conducting certain studies for or on behalf of the school;
 - Accrediting organizations;
 - To comply with a judicial order or lawfully issued subpoena;
 - Appropriate officials in cases of health and safety emergencies; and
 - State and local authorities, within a juvenile justice system, pursuant to specific State law.

Schools may disclose, without consent, "directory" information such as a student's name, address, telephone number, date and place of birth, honors and awards, and dates of attendance. However, schools must tell parents and eligible students about directory information and allow parents and eligible students a reasonable amount of time to request that the school not disclose directory information about them. Schools must notify parents and eligible students annually of their rights under FERPA. The actual means of notification (special letter, inclusion in a PTA bulletin, student handbook, or newspaper article) is left to the discretion of each school

RACIAL PROFILING

All enforcement action taken by the Temple College Department of Public Safety will be based solely upon suspicion of violations of criminal statute, college rules, or policies. "Selective Enforcement" based on race, ethnicity, color, sex, religious preference, sexual preference, age, veterans status, or social standing is prohibited.

All enforcement will adhere to the strictest standards of probable cause in the case of criminal violations and the most customer friendly interpretation in the event of school policy or rule violations.

This statement is being integrated into the Campus Police Procedure manual, and copies are being distributed to all officers in the Campus Police Department. Violation of this General Order by any member of this department will result in immediate disciplinary action up to and including discharge.

DISCIPLINARY AND DISCHARGE POLICY

Temple College supports a problem solving approach to performance problems but the College recognizes that misconduct and continued performance problems or a combination may require a remedy in the form of a disciplinary proceeding, suspension or discharge. It is the employee's responsibility to follow established College policies, procedures, regulations, job duties, supervisory instructions and practices.

Temple College desires to use progressive discipline in the disciplinary and discharge process. Progressive discipline is designed to allow an employee a reasonable opportunity to meet the requirements of the job, comply with College policies, procedures, practices, and regulations and allow the employee an opportunity to improve performance.

Progressive discipline will include the use of documented warnings, suspensions and discharge but it must be noted that any one of the procedures may be used without regard to the procedures listed but will be based upon the seriousness of the performance problem or type of misconduct.

There may be situations however, that some violations of policies and procedures, continued negative behavior or performance or any combination may be of such serious nature that immediate suspension or discharge may be appropriate. The College reserves the right to administer an immediate suspension or discharge should the situation warrant. Examples include situations when a person's health and safety are at risk or a crime has been committed. If this occurs, the College is not obligated to follow any specific procedure and subject to any contractual obligations the College may discipline or discharge any employee at any time without prior notice.

Proper Cause

Proper cause for discipline or discharge is any behavior relating to the employee's work that is inconsistent with the employee's obligation to the College, i.e., assigned job duties, assigned duty time, violation of College policies, etc. A list of examples that constitute proper cause is shown below for guidance only. This list is not considered an all-inclusive list.

- Assault or battery on another person
- Conviction of a felony
- Viewing, browsing or downloading sexually explicit material on the internet or any other College electronic medium or format. Viewing or writing to blogs or similar content websites (MySpace, You Tube, etc.) during the employee's regular work hours.
- Creating a harassing or intimidating work environment
- Falsification or omission of information on employment applications or resumes, time cards/records, or other College records

- Use of illegal drugs or alcohol on campus grounds
- Insubordination-disobeying or disregarding duties assigned by supervisor
- Intoxication while reporting for duty or while on the job
- Misappropriation or personal use of College funds, property, possessions or resources
- Unauthorized use or misuse of a College owned or College authorized (stipend) personal electronic device, IPod, cell phone, Blackberry, laptop, etc.
- Involvement in an accident during any assigned work hour or travel time in which a personal electronic device was in use at the time of the accident.
- Anyone other than the employee changing the employee's work time on a time sheet in which regular time or overtime worked is not reflected on the time sheet.
- Negligence of duties
- Performance that continues to be inadequate after a reasonable time period has been allotted to correct the situation.
- Sexual harassment
- Theft or fraud
- Confidentiality-release of confidential employee, student, or proprietary information.
- Inappropriate relationship with a student in which a quid pro quo situation has developed.
- Absenteeism which results in non-completion of duties or if additional personnel is used to make up or catch up the employee's work duties.
- Possession of a firearm or other weapon on campus grounds
- Possession of child pornography, including images on assigned college computer or any other assigned college electronic medium. Violation of this line item subjects the employee to immediate dismissal and possible criminal charges.
- Failure to report Annual or Sick Leave time taken.

Documented Warning, Suspension, and Discharge Notices

If a department chair or supervisor determines that an employee has violated a policy or policies, the department chair or supervisor must first consult with the appropriate Division Director, the Divisional Vice President, and the AVP, Resource Management to determine what course of action should be taken. The Division Director, the appropriate Vice President and the AVP, Resource Mgt. must approve all written warnings in advance.

All suspension and discharge notices are to be in writing and must first be approved by the appropriate Vice President, AVP, Resource Mgt., and finally authorization/approval to issue the notice given by the President of the College. Suspension or discharge notices must receive final authorization/approval by the President of the College.

Documented, Suspension, and Discharge notices will be served in person, if possible, by the department chair or supervisor with a representative from Human Resources acting as witness. At the time of service, the employee will be asked to sign an acknowledgment of receipt. If the employee declines, the department chair or supervisor issuing the notice will note the declination. If the notice cannot be properly served in person, the notice may be sent by certified mail with a return receipt requested. Service of the notice will be considered complete when the notice is hand delivered or if that is not possible, deposited at the U. S. postal service by certified mail with a return receipt.

Documented Warning

The goal of a Documented Warning is to advise the employee that there is a performance problem and to tell the employee what he or she can do to restore satisfactory performance. It is expected that this type of warning will result in improved performance. The department chair or supervisor should advise the employee:

Of the nature of the problem and allow the employee to explain any reason for the problem and suggest ways to correct the situation.

Of the policies, work instructions or rules violated.

Of the specific actions to be taken by the employee and the supervisor to correct the problem including specific time frames.

That further disciplinary action including suspension or discharge will occur should the problem persists.

The department chair or supervisor must make it clear to the employee that this is a documented warning. A documented warning is kept in the employee's personnel file.

Second Warning-Documented

A Second Warning provides the employee with a written explanation of the events leading to the warning, an explanation of any applicable rules that were violated, and information that can help the employee improve the performance problem. The department chair or supervisor must make it clear that this is a "Second warning" and if the employee does not improve performance to the level and time frame listed in the warning, more serious disciplinary action up to and including suspension or discharge will take place. The second written warning will be kept in the employee's official personnel file. This warning should include:

The nature of the violation, including reference to a first warning.

The policies or rules violated.

The specific action to be taken by the employee and the supervisor to correct the problem, including specific time frames.

A statement that further disciplinary action, up to and including discharge, could occur should the problem persist.

The purpose of discipline is to help employees' correct problems. Subsequent performance evaluations should reflect the improved performance.

Suspension

A suspension is a temporary involuntary removal from active employment, with or without pay, for performance problems not satisfactorily corrected through the use of written warning or pending the outcome of an investigation in which the employee has allegedly committed a serious violation of policy. Suspension of a faculty member shall be in accordance with procedures prescribed in the Discharge or Suspension of Faculty section. Suspensions may range from a period of one (1) day or up to thirty (30) days. Suspension of any employee shall require prior approval of the College President unless there is a workplace issue requiring immediate attention. The department chair or supervisor administering the suspension must make it clear to the employee being suspended that this is a "suspension". The employee must be notified that the suspension is a disciplinary action and that discharge could occur. The information listed in the suspension notice should include:

The nature of the violation, including reference to any earlier warning.

The policies or rules violated.

The amount of time the employee will be on work suspension, and if the suspension is paid or unpaid.

A statement that further disciplinary action, which may include discharge, could occur. An employee may be suspended during an investigation. Pending the outcome of the investigation, copies of the "suspension notice" will be kept in the employee's official personnel file. If it is determined during the investigation that the employee did not act improperly or violates any policies or procedures, the notice will be removed, no further action will be taken, and the employee will be fully reinstated. If it is determined that a serious violation has occurred or a violation has reoccurred, the employee will either be reinstated with provisions that failure to improve the behavior within a set time frame will be cause for immediate discharge at the end of the stated time frame the employee may be immediately discharged. If the suspension warrants further action, the suspension notice will remain in the employee's official personnel file.

Discharge

A discharge is a permanent involuntary separation of employment from the College for disciplinary reasons, serious violation of policy, non-fulfillment of contractual obligations or any combination. Contract employees can be discharged for cause before the completion of the term stated in their contract. Discharge of a faculty member shall be in accordance with procedures prescribed in the Discharge or Suspension of Faculty section. Discharge of any employee requires prior approval of the College President. Non-faculty introductory and temporary employees and other employees without a contract can be discharged from employment at any time with or without cause.

Non-faculty employees with an employment contract will be entitled to compensation for the unexpired portion of their contract, not to exceed one year from the date of discharge if the cause for discharge is cited as:

1. Reduction in force, or
2. Inability to perform duties due to medically certified physical or mental disability.

All Discharge notices will be issued in writing by the appropriate department chair or supervisor with a representative from Human Resources as witness. Discharge notices will remain in the employees official personnel file.

Response to Notice of Contemplated Action and Disciplinary Appeals

The College reserves the right to make any written warning, suspension, or discharge effective immediately. Workplace issues may require immediate removal of an employee but that employee will be allowed due process under these procedures and a determination as to the type of notice that will be issued. Notwithstanding this right, the College allows employees the opportunity to respond as set forth below

The employee may respond in writing to a Written Warning, Suspension, and Discharge Notices. The employee must respond within five (5) working days to the department chair or supervisor that served the notice. Any extension of time must be submitted in writing to the department chair or supervisor and agreed upon by both parties. The five (5) days the employee has to respond starts on the day after the notice has been served. If the fifth (5th) day ends on a recognized College holiday the employee must respond on the day following the holiday. If the fifth (5th) day falls on a holiday and the holiday falls on a Friday, the

employee must respond the following Monday.

If the employee does not respond within the stated time frame the action will stand and be placed in the employee's official personnel file.

If the employee does respond to the notice, the department chair or supervisor will have 10 working days after receipt of the appeal to evaluate the response, issue a written determination, send the determination to the Human Resources office, and notify the employee of the determination. If the employee feels the action has not been evaluated correctly by the department chair or supervisor, the employee may appeal the action to the next level of supervision but must do so in the five-day time frame listed in the preceding paragraphs. After the second level appeal, any employee may appeal to the President of the College in accordance with the same five-day time frame. The President of the College is the final administrative authority in the appeal process for written notices, Suspensions, and Discharges.

GRIEVANCE PROCEDURE

Purpose and Scope. These procedures are established for two purposes:

1. To provide the individual employee the opportunity to be heard in grievances involving alleged acts of unlawful discrimination on the basis of gender, disability, ethnicity, color, age, religion, national origin, or veteran status (acts prohibited by Title IX, Section 504 of the Education Amendments of 1972 or Americans with Disabilities Act of 1990) against him/her on the part of the College or its employees (Type I Grievances), the AVP, Resource Management is the designated Title IX Coordinator, and
2. To provide the individual non-faculty employee opportunity to be heard in grievances involving alleged errors in the interpretation or application (or lack of it) of stated policy, internal operating procedure or working conditions (Type II grievances).

All other grievances will be handled through regular administrative and organizational channels or in accordance with other formal policies (see FACULTY ACADEMIC FREEDOM AND TENURE POLICY and FACULTY GRIEVANCE PROCEDURE). **It must be noted that a grievance or grievance appeal is distinctly different from an appeal to a disciplinary or dismissal action and should not be confused with that process. Employees may not pursue a grievance on the same issue which has been the subject of a disciplinary or termination appeal.**

Interpretation of Coverage. Where a dispute exists concerning the application of these procedures, the President of the College will make final judgment on the question.

Eligibility

Type I grievances: An employee or student believing they have been discriminated against unlawfully based on gender, disability, race, color, age, religion, national origin, or veteran status through the action of an employee, a supervisor, or other person acting for the Institution may bring a grievance under these procedures.

Type II grievances: An employee believing that an error has occurred in the interpretation or application of stated policy, internal operating procedure or working conditions may bring a grievance under these procedures.

These procedures are not intended to change or to establish new policy. They are only to establish whether or not an error has occurred, and if so, what might constitute appropriate redress for the aggrieved.

Informal Procedure.

1. Prior to filing a written grievance, the employee (grievant) may first wish to attempt to resolve his/her grievance by discussing the matter with the person (respondent) alleged to be responsible for the discrimination or interpretation. This discussion should occur within 20 business days of the alleged grievance (business days here and elsewhere in these procedures means working days excluding Saturdays, Sundays, and holidays).
 - If the grievance is not resolved at this level, the employee must submit the grievance in writing to the respondent's department chair or supervisor and to the AVP, Resource Management for the grievance process to continue. A mediation attempt between the parties will occur within 10 business days of the receipt of the grievance letter.

Any retaliatory action of any kind taken by an employee of the College against any other employee and/or student of the College as a result of that person's seeking redress under these procedures is prohibited and the employee taking retaliatory action will be subject to disciplinary action up to and including discharge.

Formal Procedure

I. Grievance Filing.

- A. Grievances shall be filed in writing with the department chair or supervisor within 10 days after the mediation attempt and if there is no resolution of the grievance. The written grievance shall provide the following information: If any grievant leaves the employ of Temple College, the hearing committee will convene to determine if any further action is required.
 1. Name(s) and address(es) of the grievant(s);
 2. Nature and date of the alleged violation;
 3. Name(s) of the person(s) responsible for the alleged violation (where known);
 4. Requested relief or corrective action (redress). (The grievant has the option of not specifying this information); and
 - Other background information the grievant believes to be relevant, e.g., names of others affected by the alleged violation or error.

II. Initial Processing of Grievances

- Notification of Respondent(s): Within five (5) days of the filing of a written grievance, the Department Chair or supervisor shall notify the respondent of the grievance and of his/her

responsibility for submission of a written reply to the grievance. Respondent will have five (5) days after receipt of the grievance notification to reply.

B. Respondent Grievance Answer: The respondent's written answer to the respective Department Chair or supervisor shall be as follows:

1. Confirm or deny each fact alleged in the grievance:
2. Indicate the extent to which the grievance has merit: and
3. Indicate acceptance or rejection of the corrective action sought by the grievant or outline an alternative corrective action

C. Department Chair or Supervisor Determination and Ruling:

1. After receiving reply from respondent, Department Chair or supervisor will within five (5) days issue a written decision on the grievance to the grievant and the respondent;
2. If the grievant does not accept the written decision of the Department Chair or supervisor, the grievant can appeal the grievance in writing to the next level of the grievance process. The grievant will have five (5) days to appeal the Chairs or supervisors decision;
3. If no appeal has been received within five (5) days after issuance of the Department Chair's or supervisor's decision, the Division Director, or if the grievance is filed in the Physical Plant department, the Vice President of Administrative Services, shall issue a notice of non-response to the grievant, respondent, appropriate Vice President, and the President of the College and the grievance will be recorded as closed.
4. If an appeal is received within five (5) days after issuance of the Department Chair's decision, the appropriate Division Director or Vice President of Administrative Services-if the grievance is filed in the Physical Plant department, will initiate the hearing panel process and conduct a hearing within ten (10) days after receipt of the grievance appeal.

III. Processing of Grievance Appeal

A. Conducting the Hearing

1. A hearing panel will convene within ten (10) days of receipt of the appeal. The hearing panel will consist of the Division Director or the Vice President of Administrative Services-if the appeal was filed in the Physical Plant department, who will serve as the chair of the panel and will be a non-voting member, two staff members selected at random, and one faculty member selected at random from the faculty. All three panel members selected from outside the respondent's and the grievant area or discipline.
2. Copies of any written materials sent to the hearing panel chair should also be sent to the grievant, the respondent, appropriate Vice President, and the President of the College.

3. Persons present at the hearing shall include;

1. The grievant
2. The respondent
3. Any individual(s) requested by either party to provide information relevant to the grievance at the hearing panel.

4. Hearings will not be open to the public unless requested by the grievant and approved by the respondent and by College legal counsel.

B. Hearing Procedures:

1. Equal time will be allocated to each party for the presentation of information. Time used for questions and answers directed to the grievant or respondent by the hearing panel is not charged to the grievant or the respondent.
2. Both the grievant and the respondent shall have the right to present witnesses and ask questions of these witnesses. The time so used is to be counted as part of their allocated time.
3. The hearing panel chair shall appoint a timekeeper and recorder that is not a member of the hearing panel and not a member of the grievant's or respondent's area or discipline.

C. Grievance Decisions:

1. Within five (5) days after the hearing, the chair of the panel shall issue a written decision, which includes:
 - a. Finding of fact(s)
 - b. A statement regarding the validity of the grievance;
 - c. Specification of any corrective action to be taken; and
 - d. The specific reasons for the decision.

Copies of the decision shall be sent to the grievant, the respondent, appropriate Vice President, and the President of the College.

D. Acceptance or Rejection of a Hearing Decision:

If the grievant rejects the hearing decision, he/she shall within ten (10) days of the receipt of the decision notify the hearing panel chair of his/her intent to appeal the grievance to the next level. The grievant must submit a formal letter of appeal of the hearing decision in writing to the President of the College with copies being sent, by the grievant, to the Hearing Panel Chair.

If no such notification is received by the Hearing Officer within this time period, any corrective action specified in the decision shall be taken, and the grievance

will be recorded as closed by the hearing panel chair and notice will be sent to grievant, respondent, appropriate Vice President, and the President of the College.

E. Final Appeals Procedure

1. The President is the final administrative authority on grievances.
2. The President must issue a decision within ten (10) days after the receipt of the appeal by the grievant.
3. No new information may be introduced unless the parties can show cause as to why it was not introduced at the hearing.

F. Time Extensions:

1. Any time limits set by this procedure may be extended by mutual consent of the grievant and the respondent.
2. In the event any of the days falls on a College holiday, the extension will be the same number of days as the holiday.

Other Courses of Action:

If this is a discrimination complaint, the grievant may also file a complaint of Illegal discrimination with the Office for Civil Rights, Department of Education [1200 Main Tower, Suite 2260, Dallas, TX 75202] at the same time, during, or after use of this grievance procedure. Such complaints must be filed in writing no later than one hundred eighty (180) days after the occurrence of the possible discrimination.

CLASSIFIED PERSONNEL SYSTEM

Classified personnel are defined as employees who are subject to specific provisions of the Fair Labor Standards Act, 1964 (FLSA).

Each classified position at the College has been evaluated to determine the level of a specific position in relation to other positions. Evaluation factors include educational levels, work experience, mental demands, responsibility, work duties, and working conditions pertinent to the position being evaluated. Positions evaluated and considered to be similar in evaluation factors, are assigned to the same salary level.

Job descriptions have been prepared for each position and contain the position title, pay level, and information describing the duties to be performed.

Evaluation of each new position will be conducted as it is created. On the basis of this evaluation, the position will be placed at the proper salary level. When major changes are made in the duties and responsibilities of existing positions involving either the addition of new assignments or the modification of existing ones, the supervisor for that position may request an evaluation of the position. When the results of such an evaluation are known, the President's Executive Committee will decide if a reclassification of the position is warranted.

CLASSIFIED POSITIONS AUTHORIZED

POSITION CLASSIFICATION	DEPARTMENT	BASIS	NO. AUTHORIZED
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LEVEL 1 – Minimum \$17,150.00 per annum, \$8.25 per hour

Parking Attendant..... Campus Police PT 12 months 1

LEVEL 2 – Minimum \$17,900.00 per annum, \$8.61 per hour

LEVEL 3 – Minimum \$18,650.00 per annum, \$8.96 per hour

Custodian Physical Plant FT 12 months 9
 Custodian Physical Plant-Taylor FT 12 months 1
 Custodian Physical Plant-Cameron . PT 12 months 1
 Groundskeeper Physical Plant FT 12 months 1
 Cust./Groundskeeper Physical Plant FT 12 months 1

LEVEL 4 – Minimum \$19,400.00 per annum, \$9.33 per hour

Secretary III Fitness Center FT 12 months 1
 Secretary III Financial Aid FT 12 months 1
 Secretary III Media Center FT 12 months 1
 Secretary III Surgical Tech FT 12 months 1
 Secretary III LVN FT 12 months 1
 Secretary III Resp. Care/EMS FT 12 months 1
 Lead Custodian Physical Plant FT 12 months 1
 Specialist Help Desk FT 12 months 1
 Assistant, Comp. Lab Comp. Support IS FT 12 months 1
 Comp. Hardware Lead Comp. Support IS FT 12 months 1
 Grounds, Mail Delivery Physical Plant FT 12 months 1
 Secretary III ADN PT 12 months 1
 Secretary III Athletics PT 9 months 1
 Specialist Mail PT 12 months 1
 Dental Care Off. Asst. Dental Hygiene PT 12 months 1
 Call Center Rep A & R PT 12 months 2
 Office Assistant Human Resources PT 12 months 1
 Assistant, Compt. Loaner CIS PT 12 months 1
 Assistant, Payroll Human Resources PT 12 months 1



LEVEL 5 – Minimum \$20,150.00 per annum, \$9.69 per hour

Specialist I	Testing.....	FT 12 months.....	1
Carpenter Fac. Maint.....	Physical Plant.....	FT 12 months.....	2
Specialist I	Financial Aid.....	FT 12 months.....	1
Cashier.....	Business Office	PT 12 months	1

LEVEL 6 – Minimum \$20,900.00 per annum, \$10.05 per hour

Specialist.....	Admissions and Rec.....	FT 12 months.....	7
Specialist, Records Mgt...	Admissions and Rec.....	FT 12 months.....	1
Specialist.....	Adm. and Rec/VN Taylor	FT 12 months.....	1
Specialist.....	Adm. and Rec., Taylor....	FT 12 months.....	1
Specialist, Acct.....	Business Office	PT 12 months	1
Specialist, Accts Payable	Business Office	FT 12 months.....	1
Specialist.....	Bus. And Comm. Ed.....	FT 12 months.....	2
Secretary IV	Dental Hygiene/EMS	FT 12 months.....	1
Secretary IV	Coll. Communications.....	FT 12 months.....	1
Secretary IV	EWCHEC	FT 12 months.....	1
Secretary IV	TBI.....	FT 12 months.....	1
Secretary IV	TRIO Programs	FT 12 months.....	1

LEVEL 7 – Minimum \$21,650.00 per annum, \$10.41 per hour

Technician, Accounting ...	Business Office	FT 12 months.....	1
Specialist, Cashier.....	Business Office	FT 12 months.....	1
Technician A&R.....	Admissions and Rec.....	FT 12 months.....	2
Admin Assistant	Tech Prep.....	FT 12 months.....	1
Tech I	Comp Support, IS.....	PT 12 months	1

LEVEL 8 – Minimum \$22,400.00 per annum, \$10.76 per hour

Admin. Asst.....	Liberal Arts	FT 12 months.....	1
Admin. Asst.....	IS/Purchasing	FT 12 months.....	1
Admin. Asst.....	Bus/Technology.....	FT 12 months.....	1
Admin. Asst.....	Math, Nat. Sc, PE.....	FT 12 months.....	1
Admin. Asst.....	Fine Arts	FT 12 months.....	1
Admin. Asst.....	Health Professions	FT 12 months.....	1

LEVEL 9 – Minimum \$23,150.00 per annum, \$11.13 per hour

Grounds Tech III	Physical Plant.....	FT 12 months.....	1
Maintenance Mech. II	Physical Plant.....	FT 12 months.....	1
Specialist III.....	Library	FT 12 months.....	1

OVERTIME AND COMPENSATORY TIME OFF

It is the policy of Temple College to allow overtime or compensatory time off for classified and professional employees categorized as non-exempt. Leave requests to use compensatory time off is a management prerogative and should be administered in consideration of the needs of the College and the departments involved. Overtime wages will be paid only with the approval of the appropriate Vice President.

Definitions: **WORKWEEK** –A 168-hour period starting at 12:00 AM Saturday and ending at 11:59 PM Friday.

OVERTIME – Time actually worked in excess of forty (40) hours in any one workweek. Paid holidays, annual leave, compensatory time, and sick leave or any combination used during the workweek do not count toward the forty hours worked. Overtime is calculated at one and one half times any time worked over 40 hours in a workweek.

COMPENSATORY TIME OFF (Comp time) – That time off (calculated as one and one-half times any time worked over 40 hours in a workweek) granted during the employees' s regular established shift with the objective of reducing or eliminating the hours worked in excess of forty (40) hours in any previous workweek of the same payroll period. Grant employees receiving comp time, if accumulated and not used by the end of the fiscal year, will be paid for the remaining comp time in conjunction with their regular monthly check on August 31, the end of the fiscal year.

Eligibility: Those employees eligible for overtime and compensatory time are defined as employees classified as non-exempt under the wage and hour provisions of the Fair Labor Standards Act.

TIME SHEETS

Those who are required, non-exempt personnel, to keep a time sheet must personally record their time daily. The actual time work is begun and stopped must be shown. Every absence from work must be recorded – holidays, vacations, sick leave, etc.

Non-exempt personnel are required to keep time sheets which must be turned in to their supervisors for approval. The supervisors turn the time sheets in to the Human Resources Office by 9:00 a.m. on the seventh working day before the end of the month.

At the end of the payroll period, the time sheet is to be totaled, signed by the employee and supervisor attesting to its accuracy, and turned in to the Office of Human Resources. All overtime/compensatory time must be approved by the appropriate Vice President.

Employees classified as "exempt" under the wage and hour provisions of the Fair Labor Standards Act must complete a Leave Request if any accrued time is taken.

Employee time will be calculated to the nearest quarter hour.

RESIGNATION OF EMPLOYEES

Contract

A term-contract employee may resign with the consent of the Board of Trustees at any time mutually agreeable. The College President shall have authority to accept the resignations of all term-contract employees on behalf of the Board of Trustees.

Classified

Classified personnel may resign at any time but are required to give their supervisors written notice, preferably two weeks in advance of the date of resignation.

Supervisors, through appropriate administrative channels, will notify the Office of Human Resources of all employee resignations at the earliest possible date.

When employees resign their positions, any and all salary owed will be paid at the end of the month. Any contract employee who resigns before the end of the contract will be paid for time worked prior to the termination and will not be paid for the entire contract amount.

SALARY PAYMENTS AND DEDUCTIONS

Payroll checks are ready for distribution by 10:00 a.m. or by direct deposit on the last working day of the month. For everyone to be paid accurately, all information regarding a person's pay must be in the Office of Human Resources on the seventh working day before the end of the month.

Teachers and other professional personnel on a contract basis of nine months will be paid monthly on the last working day of the month, on the pro-rated basis of 1/12 of the contract amount in accordance with the provisions of the individual contract.

Fall semester part-time and overload salaries will be paid in four equal installments at the end of September, October, November, and December. Similarly, Spring semester part-time and overload salaries will be in four equal installments at the end of February, March, April, and May. Summer school teaching will be paid for at the end of each month as it is earned. Full-time employees teaching Continuing and Adult Education courses will be paid for these at the end of the month in which the program ends.

Classified personnel will be paid monthly.

All employees who work half-time or more will be subject to the statutory deduction for the appropriate retirement program made from gross earnings. (See later sections for details regarding the specifics of the retirement plans). All salaries and wages will be subject to the Federal Withholding Tax provisions, and such tax will be withheld on the basis of information furnished by the employee on the W-4 form. Salaries and wages of all employees are subject to the required deductions for Social Security and Medicare taxes.

Other deductions generally will be for medical insurance for dependents, annuity program, disability insurance, the Credit Union, etc., which the employee has authorized to be deducted.

SALARY INCREASES

Salary increases are normally given at the beginning of the fiscal year (September 1). New employees with at least 90 service days prior to the start of the fiscal year will receive the same across the board increase to the base salary as given other employees. Employees with less than 90 days service on September 1 will not participate in any general salary increase. Annual increases are available to those employees thereafter to the maximum rate, provided work performance is satisfactory.

BENEFITS WHILE ON APPROVED LEAVE-OF-ABSENCE

Any employee who is granted compensated leave may continue participating in the College medical, life, and disability plans. Contributions will be determined as they are for an active employee.

Any employee who is granted a non-compensated leave, e.g., Family Medical Leave, may continue participation in these plans if such leave is approved by the Board of Trustees. Coverage will be subject to the terms and conditions of each plan. Also, participation will be continued provided the employee pays the entire cost of coverage. When application is made for the leave, the Business Office will arrange for payment of the amount necessary to keep the coverage in force.

EMPLOYEE ABSENCE FOR PROFESSIONAL GROWTH

Upon advance approval of the President, an employee may be absent from duty for a limited length of time, without reduction in salary, for purposes leading to the professional growth of the individual.

JURY DUTY

Employees of Temple College are encouraged to serve on jury duty. The employee may keep any remuneration received for jury duty, and no deduction from pay will be made while on jury duty.

DRUG AND ALCOHOL-FREE CAMPUS

Temple College prohibits the illegal use of drugs and alcohol and fully supports the federal Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989.

Any location at which college activities are conducted is declared to be drug and alcohol-free

All employees and students are prohibited from manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol at any location or site at which college business or activities are conducted. The Human Resources Office or Counseling Office can provide a complete listing and explanation of controlled substances (21 U.S.C.S. 812 and/or Art 4476-15, TCS). The following is a partial list of controlled substances:

- Narcotics (heroin, morphine, etc.)
- Cannabis (marijuana, hashish)

- Stimulants (cocaine, diet pills, etc.)
- Depressants (tranquilizers)
- Hallucinogens (PCP, LSD, “designer drugs”, etc.)

Any employee or student violating the above policy is subject to arrest. Conviction for violating the local, state, and/or federal laws governing alcohol and controlled substances can result in fines, imprisonment, seizure of property, or a combination of these penalties.

Temple College has instituted an educational program for all employees and students on the dangers of drug abuse. To assist employees and students in overcoming drug-abuse problems, the college offers the following assistance.

Students

Counselor’s will refer students with drug and/or alcohol problems to outside agencies for assistance. Office can provide first contact information regarding drug problems and have information on rehabilitation programs in the area. Additional education is directed at prevention and intervention. These materials include information on drugs (symptoms, effects, and dangers), “warning signs,” and sources of help and treatment. Material is distributed via freshman orientation, student announcements, and directly. Some courses contain drug education components.

Employees

- Medical benefits for substance-abuse treatment.
- Information about community resources for assessment and treatment.

Any employee convicted of violating a criminal drug statute in this workplace must inform the College of such conviction (including pleas of guilty and nolo contendere) within five days of the conviction occurring. Failure to inform the College, subjects the employee to disciplinary action, up to and including termination. By law, the College will notify any federal contracting officers within 10 days of receiving such notice from an employee or otherwise receiving notice of such a conviction.

The College reserves the right to permit employees convicted of violating a criminal drug statute at any location or site where College activities are conducted participation in an approved rehabilitation or drug-abuse assistance program as an alternative to discipline. If such a program is permitted by the College and accepted by the employee, then the employee must satisfactorily participate in the program as a condition of continued employment and must provide evidence of completion either through a counselor or doctor’s written statement. This statement will be kept in the employee’s medical file in the Human Resources Office.

The employee may self-refer to a certified program. However, the employee must inform the Human Resources Office and provide evidence of completion of the program to the Human Resources Office.

Questions by the student should be directed to the Counseling Office and employee questions should be directed to the Human Resources Office.

AIDS

Purpose: The purpose of the policy is to prevent the spread of Acquired Immune Deficiency Syndrome (AIDS) on the College campus, provide a safe educational and working environment, and limit the spread elsewhere through the education of students and employees.

Policy: Temple College is concerned about the increasing incidence of AIDS, AIDS-Related Complex (ARC) and infection with human immunodeficiency virus (HIV) throughout the United States. It is important that the College community understand and be prepared to deal with this serious problem. Every effort needs to be made to ensure the rights and well-being of the individuals, but it is equally important to safeguard the community as a whole. This policy has been developed to provide a fair and equitable method of responding to the occurrence of AIDS in the College community.

Definition: AIDS is an acronym for Acquired Immune Deficiency Syndrome. The disease is caused by the human immunodeficiency virus (HIV). AIDS is characterized by a loss in an individual's natural immunity against disease. Loss of the immunity response allows an individual to be vulnerable to diseases that would normally not be life threatening to a person. These diseases are called opportunistic diseases and can be fatal to AIDS victims. HIV also causes an illness called AIDS-Related Complex (ARC). Individuals with ARC may develop the same chronic symptoms as AIDS victims, but they are not inflicted with some very specific opportunistic infections that AIDS patients may have. ARC as well as AIDS can be fatal. In this policy, the term AIDS will refer to AIDS, ARC and HIV infections.

General:

- 4.1 **Education:** Since prevention is currently the only method of limiting the consequences of AIDS, the College will direct its major efforts towards educating the College community regarding the cause, methods of transmission and prevention of AIDS infection. The College will provide advice, educational programs, individual counseling and referrals to any student or College employee desiring direction or assistance in dealing with and AIDS related question or problem. To assist with education of students, the Director of Student Life and the Director of Counseling and Testing will develop an information-sharing network to inform all students about highly contagious diseases that could be of particular danger to them. The Directors will work to identify protective measures to reduce risk of such infections. Annually the College will provide an educational pamphlet to all employees. The TDH educational pamphlet is available in the Counseling Center for employees and students.
- 4.2 **Safety Precautions:** Medical evidence indicates that people with AIDS pose no risk of transmitting the virus to others through ordinary, casual, interpersonal contact. Research identifies transmission through blood, semen, vaginal secretions, birth and breast milk. Any student or employee who may come in contact with blood or other body fluids should take the necessary health precautions to protect against transmission. Guidelines for prevention of transmission of the HIV infection in athletics and intramural sports, in housekeeping, in food service, in teaching laboratories (e.g., biological sciences), in instructional situations (e.g., surgical technology classes), in health care settings, and other areas where the possibility of exposure may exist will be the primary responsibility of the department chairs or unit heads in these respective areas. Guidelines, including standards for the safe handling of blood and body fluids in each of the above settings, will be in accordance with recommendations from the Centers for Disease Control and the Public Health Service. No student or employee should be required to obtain or process the blood of others without the department following safety procedures in accordance with this policy.
- 4.3 **Students and Employees Rights:** The College recognizes that students or

employees who have or may be perceived as having AIDS may wish to continue in their normal academic and/or work activities as long as their physical condition allows them to do so. No difference in treatment should be accorded these individuals so long as they are able to do acceptable academic work or meet work standards and so long as medical evidence (as provided by a statement from the Health Care Provider) indicates that their condition is not a threat to themselves or to others. Students and employees have the following legal rights:

- (a) Confidentiality of Information: The College will comply with Federal and State laws, regulations, and policies that protect the confidentiality of medical and educational records and with requirements for the reporting of certain test results or medical conditions to appropriate health authorities. Persons who are infected by the AIDS virus should be urged to share that information on a confidential basis with local health agencies so that appropriate health and educational needs may be met. Health information about a student or an employee is personal and confidential and will be treated as such. Pursuant to state law, neither the College nor any student or employee should disclose to anyone the identity of a person with AIDS without prior written consent of the patient, except when state law requires the initial diagnosis of the disease to be reported to appropriate health authorities or as allowed by state law. The number of people in the institution who are aware of the existence and/or identity of a student or employee who has AIDS should be kept to an absolute minimum, both to protect the confidentiality and privacy of the infected person and to avoid the generation of unnecessary fear and anxiety among students and employees.
- (b) Admission and Hiring: Consideration of the existence of AIDS will not be a part of the initial student admission decision for those applying to TC nor the hiring decision for those individuals applying for employment.
- © Right of Participation and Employment: Students or employees infected, or who may become infected, with the AIDS virus will not be excluded from enrollment or employment, nor will those persons be restricted in their access to services or facilities unless medically-based judgments in individual cases, as reviewed by the AIDS Committee with the approval of the President, establish that exclusion or restriction is necessary for the welfare of the individual or other members of the College community. The College will make reasonable accommodations to assist students or employees with AIDS as it would other handicapped students or employees. If a reasonable accommodation cannot be made, the College may take other appropriate action as provided by law after review by the AIDS Committee and after approval of the President. Confidentiality as to the identity of the AIDS student or employee shall be maintained. Transferring an employee to another job situation or transferring a student to another housing accommodation may be appropriate when compatible with the prognosis and when in the best interest of the employee, student, and/or the College.
- (d) Prohibition Against Inquiries and Mandatory Testing: Employees, applicants and students will not be asked whether or not they have AIDS. Employees, applicants and students who identify themselves to any College official as being an AIDS patient should be encouraged to inform the local health care providers in order to receive proper medical advice and counsel. TC will not undertake programs of mandatory testing or screening of students or employees for AIDS, nor will there be routine requirements that students or employees be asked to respond to questions about the existence of AIDS, ARC or positive HIV antibody tests. Any individual who desires to be tested for AIDS may contact a local health care provider for information on the location of a facility which

provides AIDS testing.

- 4.4 AIDS Committee: An AIDS Committee will be established to evaluate and review various issues that may be raised by the existence of a student or employee with AIDS. In each case the identity of the individual will not be disclosed to the committee or others without the written consent of the infected person. Each situation will be reviewed on a case by case basis and any recommendation for action, where appropriate, will be made directly to the President. The committee shall also make recommendations to the Board for any proposed changes in this policy. Committee members shall include a medical consultant, a legal consultant, the department head where the issue or case originated, the AVP, Resource Management in employee cases or the Vice President of Educational Services in student cases.
- 4.5 Responsible Behavior: Persons who have a reasonable basis for believing or who know that they are infected with AIDS are expected to seek expert advice about their health circumstances and are obligated, ethically and legally, to conduct themselves responsibly for the protection of other members of the community.
- Off-campus Inquiries: The College Communications Office will coordinate the release of information about the College policy regarding AIDS to off-campus inquiries. The College Communications Office will consult with appropriate departments and offices with respect to the information to be released to ensure that accurate information and a consistent College policy are presented to the public. All media inquiries pertaining to statistical incidents of AIDS among student, faculty or staff populations at TC will be referred to the College Communications Office.