

# *Fayetteville Technical Community College*

## EMPLOYMENT AND AFFIRMATIVE ACTION MANUAL



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Vice President for Human Resources and Institutional Effectiveness

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# FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE

## VI – EMPLOYMENT AND AFFIRMATIVE ACTION MANUAL

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## **VI-1 Non-Discrimination and Equal Opportunity Policy Statement**

The Trustees of Fayetteville Technical Community College are 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 the Trustees of Fayetteville Technical Community College 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. Fayetteville Technical Community College (FTCC) shall place a special emphasis on providing training designed to help faculty, staff, and students recognize, prevent, and end illegal discrimination whether based on race, color, national origin, religion, age, genetic information, disability, political affiliation, sex/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.

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, or 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.

## **VI-2 Affirmative Action Plan 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. The College 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, sex/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, and laws 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 Plan.
- (6) To conduct a recruitment program designed to create 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 follow 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, sex/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 Plan 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 Plan (AAP). The President will ensure that all administrators and supervisory personnel adhere to the Non-Discrimination and Equal Opportunity Policy and that such policy is reflected in 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 appoints the Vice President for Human Resources and Institutional Effectiveness (HR/IE) to serve as the College's Affirmative Action Officer/Title IX Coordinator.

#### **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 Affirmative Action Plan. 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 review of community census and workforce analysis data.
- (2) The establishment and maintenance of Equal Employment Opportunity (EEO) 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 EEO and AAP implementation.

- (4) The development, preparation, and recommendation of policies and procedures needed to comply with applicable laws and guidelines affecting AAP objectives.
- (5) The review, coordination, and updating of administrative and personnel procedures necessary to comply with EEO policies and AAP objectives.
- (6) Coordination of the College's efforts to investigate complaints of illegal discrimination.
- (7) Coordination of complaints involving Title IX. The Vice President for HR/IE may appoint Deputy Title IX Coordinators, as needed, to ensure timely, fair, and impartial resolution of Title IX complaints.
- (8) The preparation of reports on the status and progress of the College's Affirmative Action Plan.
- (9) 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.
- (10) The primary point of contact and liaison in all matters pertaining to EEO and Affirmative Action.
- (11) In conjunction with the Director of Public Safety and Security, prepare and submit an annual report of the number of Title IX investigations to the President who in turn will present this information to the Board of Trustees at its June meeting.

### **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 personnel records.

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 multiple venues to ensure the minority population has equal access to job postings.
- (2) Sending employment opportunities to colleges and universities with 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) Posting employment opportunities to the NCCCS employment website.
- (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, sex/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.

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 advertising sites and other agencies having access or appeal to minority and female applicants.

Equal Employment Opportunity policies and the Affirmative Action Plan of this College will receive wide dissemination both within and outside the College. Internal measures will include: informing new employees of College policy during their orientation. 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 the authority to occasionally approve upward mobility of qualified internal College personnel in lieu of advertising vacant positions. Also, the College President may occasionally waive the requirement to advertise a position in specific situations where an individual has been performing duties of the position while working for a contracted company. When this option is applied, there must be mutual agreement by the parties to transition the individual(s) from contracted status to College employment status, performing similar duties as was defined previously to fulfil his/her contracted duties.

The President delegates approval authority to the Vice President for HR/IE for hiring of part-time employees and to re-advertise vacancies when necessary. The President further delegates authority to the Vice President for HR/IE to approve internal-only vacancy postings when the Vice President for HR/IE reasonably determines the internal-only posting to be in the best interest of the College.

### **VI-3.3.2 Applicant Selective Service Registration Status**

Part 19A, Section 1, Chapter 143B 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 register to be eligible for State or Local employment or receipt of public educational assistance.

### **VI-3.3.3 Application Forms**

Fayetteville Technical Community College accepts and retains applications via the College's electronic application system powered by the PeopleAdmin<sup>®</sup> applicant tracking system (PeopleAdmin<sup>®</sup>).

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 must meet all validity and reliability measures to comply with federal and state law and therefore must be approved, prior to use, by the Vice President for HR/IE.

#### **VI-3.3.4 Promotion, Advancement, and Transfer**

A primary element of the College's Affirmative Action Plan 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, sex/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 internally and externally with all qualified applicants receiving equal consideration. Candidates will be evaluated on the basis of individual ability, qualifications, and the needs of the College.

#### **VI-3.3.5 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, sex/gender, disability, age, or political affiliation.

No employee has an expectation of continued employment beyond the term specified in their employment contract. The President retains 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, sex/gender, age, disability, and 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. These procedures ensure that the recruiting and selection processes are fair, equitable, and in compliance with state and federal laws and regulations. This manual provides the 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 of full-time employees as 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 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, 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.

For the purposes of this policy, the following definitions apply:

- (1) **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.
- (2) **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 Hiring Procedures for Full-Time Employment**

- (1) Hiring managers must complete a Job Posting Justification Form (Form J-1) and send through the supervisory chain to the appropriate Senior Vice President, Vice President, or Executive Director for final approval by the President. Once approved, the hiring manager is notified by the President's office and the original form is given to Human Resources to create a vacancy announcement (posting) in the PeopleAdmin® applicant tracking system.
- (2) The vacancy announcement (posting) is moved to the hiring manager to review and return to Human Resources. Human Resources will move the vacancy announcement (posting) to the Vice President for Business and Finance for budget approval and then to the President for final approval to post.

Vacancy announcements (postings) will be placed in multiple locations to generate an applicant pool for the hiring manager to review after the closing date. In isolated situations, following approval by the President, vacancy announcements (postings) may be released as "open until filled" in lieu of a definitive closing date.

- (3) All candidates must submit an application via PeopleAdmin®, accessible through the FTCC website. Applications for positions advertised with a definitive closing date are held in a queue and released to hiring departments the day following the closing of the vacancy announcement (if open until filled, screening of applications will begin immediately and will continue until the position is filled). The hiring manager reviews applications and completes an Employment Application Evaluation Form (Form E-6). This form must be submitted to the division Senior Vice President, Vice President, or Executive Director for approval or non-approval of candidates selected for interviews.
- (4) Prior to interviewing candidates, the hiring manager must electronically submit an Interview Committee Approval Form (Form I-3) to the Vice President for HR/IE, or designee, for approval of the interview committee. The interview committee must consist of at least 3 diverse members – all committee members must be DDI trained and identified on the I-3 Form. All committee members must participate in the interview for every candidate scheduled.
- (5) During the interview process, an FTCC Interview Guide (Form I-12) must be completed by each committee member for each candidate interviewed; form must include the committee member's target ratings for each question. An Interview Target/Question Rating Consensus Sheet (Form I-13) must be completed by the Interview Committee Chair recording target ratings from each committee member's Interview Guide (Form I-12).

- (6) For faculty positions, the candidates are expected to present an evaluated instructional demonstration or presentation. The presentation will be rated by each committee member on the Interview Guide Supplement Form (Form I-14).
- (7) Reference Check Forms (Form R-8) must be completed after interviews. It is recommended reference checks be conducted for the top two or three candidates likely to be referred for employment (in the event the top candidate declines an offer, the next choice's references will already be complete).
- **New hire** (no prior FTCC employment): Three reference checks are required. One of the 3 required reference checks must be from the current/most recent supervisor.
  - **Previous employee** of the college who departed within 2 years or less: their previous FTCC supervisor must complete a reference check and 2 additional reference checks will be required.
  - **Current employee** of the college: their current FTCC supervisor must complete a reference check and 1 additional reference check will be required.
- a. Reference checks must be conducted by the hiring manager and/or a certified interviewer who served on the committee for the candidate. Exceptions to this must be approved by the appropriate Senior Vice President, Vice President, or Executive Director.
  - b. Should a candidate under consideration indicate "no contact allowed" with the current/most recent supervisor, the hiring manager must contact the candidate 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 their current/most recent supervisor. The candidate must submit in writing they concur with the College contacting the current/most recent supervisor.
  - c. Employees conducting reference checks are encouraged to contact references beyond just the persons identified by the candidate to gain additional insights and past performance information that may become available through expanded reference checks. Reference checks from individuals identified by the candidate may not give a clear picture of past performance.

- (8) After conducting interviews and collecting reference checks, the hiring manager selects a candidate for further consideration. A hiring recommendation packet is then prepared with the following documents assembled in the order listed below:

**Full-Time Curriculum Faculty**

- **Form E-3 (complete front and back)** (Employment, full-time)
- **Credentials sheet** from Colleague (and F-14 Faculty Credentials Alternative Qualifications Summary Sheet for Portfolio Packet if needed)
- **Application** of the candidate recommended for hire
- **Form R-8** (Reference check) 3 are required, 1 must be most recent supervisor (see #7 above for guidance)
- **Form I-13** (Interview Target/Question Rating Consensus) for the candidate recommended for hire
- **Form I-12** (Interview Guide)
- **Form I-14** (Interview Guide Supplement) from each panel member for the candidate recommended for hire.
- **Form E-6** (Employment Application Evaluation) signed by designated approving authority
  - Indicate in writing on the E-6 if any selected candidates declined an interview, withdrew, or did not show.
- **Form I-3** (Interview Committee Approval) approved by Human Resources

**Behind the first 9 bulleted items listed above**, include the interview packet for all other interviewed candidates. Each interview packet will include in the following order:

- **Form I-13** (Interview Target/Question Rating Consensus)
- **Application** of interviewed candidate
- **Form I-12** (Interview Guide)
- **Form I-14** (Interview Guide Supplement) from each panel member for each candidate interviewed

**No promise or commitment will be made to any candidate until final approval is received and the candidate has been cleared for hire.**

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## **Full-Time Continuing Education Faculty**

- **Form E-3 (complete front and back)** (Employment, full-time)
- **Form F-14** (Faculty Credentials Alternative Qualifications Summary Sheet for Portfolio Packet if needed)
- **Application** of candidate recommended for hire
- **Form R-8** (Reference check) 3 are required, 1 must be most recent supervisor (see #7 above for guidance)
- **Form I-13** (Interview Target/Question Rating Consensus) for candidate recommended for hire
- **Form I-12** (Interview Guide)
- **Form I-14** (Interview Guide Supplement) from each panel member for candidate recommended for hire
- **Form E-6** (Employment Application Evaluation) signed by designated approving authority
  - Indicate in writing on the E-6 if any selected candidates declined an interview, withdrew, or did not show.
- **Form I-3** (Interview Committee Approval) approved by Human Resources

**Behind the first 9 bulleted items listed above**, include the interview packet for all other interviewed candidates. Each interview packet will include in the following order:

- **Form I-13** (Interview Target/Question Rating Consensus)
- **Application** of interviewed candidate
- **Form I-12** (Interview Guide)
- **Form I-14** (Interview Guide Supplement) from each panel member for each candidate interviewed

## **Full-Time Staff**

- **Form E-3** (Employment, full-time)
- **Application** of candidate recommended for hire
- **Form R-8** (Reference check) 3 are required, 1 must be most recent supervisor (see #7 above for guidance)
- **Form I-13** (Interview Target/Question Rating Consensus) for candidate recommended for hire
- **Form I-12** (Interview Guide) from each panel member for candidate recommended for hire
- **Form E-6** (Employment Application Evaluation) signed by designated approving authority
  - Indicate in writing on the E-6 if any selected candidates declined an interview, withdrew, or did not show.
- **Form I-3** (Interview Committee Approval) approved by Human Resources

**Behind the first 7 bulleted items listed above**, include the interview packet for all other interviewed candidates. Each interview packet will include in the following order:

- **Form I-13** (Interview Target/Question Rating Consensus)
- **Application** of interviewed candidates
- **Form I-12** (Interview Guide) from each panel member for each candidate interviewed

**No promise or commitment will be made to any candidate until final approval is received and the candidate has been cleared for hire.**

- (9) The hiring packet must be forwarded through the supervisory chain to the President for approval to initiate a criminal background check. Once approved, the Office of Human Resources will initiate a criminal background check. Pending the receipt of the results of the criminal background check, the hiring packet is forwarded to the Vice President for Business and Finance to approve the salary. The hiring packet is returned to the Office of Human Resources until the background check results are received. After the results are received, the Vice President for HR/IE will verify the packet includes all required documents, a completed criminal background check, and an approval to hire and will then be forwarded to the President to make a final hiring determination.

An exception to a criminal background check is available if FTCC completed an acceptable background check within 2 years or less of the anticipated hire date for the new position.

The President retains the authority to approve a hiring packet conditionally in situations where the position must be immediately filled and/or the completed background check has not been received. Notification of such conditional hires, pending receipt of the completed background check, will be included with the initial job offer for employment. The employee must sign and return the conditional job offer letter to show understanding that continued employment is conditional upon an acceptable background check.

- (10) Employment recommendations not meeting minimum requirements must be justified by written memorandum from the appropriate Senior Vice President, Vice President, or Executive Director to the President specifying additional requirements and specific actions to be taken by the recommended candidate within a specified period as a condition of employment.
  - a. For faculty, outstanding professional experience and demonstrated contributions to the teaching discipline may be presented in a portfolio in lieu of formal academic preparation. A Faculty Credentials Alternative Qualification Summary Sheet (Form F-14) and portfolio packet must be included in the hiring packet.
  - b. For staff, outstanding professional experience and demonstrated competence may substitute for academic preparation with a memorandum from the supervisory chain. The appropriate Senior Vice President, Vice President, or Executive Director may be required to further justify this exception to the President on an individual basis.

The President retains the authority to approve a hiring packet conditionally in situations where the position must be immediately filled and/or minimum requirements are not met. Notification to such conditional hires will be included with the initial job offer for employment. The employee must sign and return the conditional job offer letter to show understanding that continued employment is conditional upon completion of minimum requirements and any other conditions.

- (11) After final approval from the President, the Office of Human Resources will notify the appropriate supervisor with the approved hire date, approved salary, and if necessary, any conditions of employment.
  - a. The supervisor will contact the candidate for acceptance of the offer and with any conditions of employment and report back to HR the candidate's decision.
  - b. After receiving notification of the candidate's acceptance, HR will send a formal offer letter to the candidate and request official transcripts, if needed.
  - c. The Office of Human Resources will contact the supervisor to move all applications in PeopleAdmin® and notify HR of the new employee's mentor assignment.
- (12) On the first day of employment, the Office of Human Resources will conduct in-processing of full-time employees. Full-time hiring takes place twice monthly, on the first business day and the mid-month business day on or before the 15<sup>th</sup>, with any exceptions to hiring dates being approved by the President.
- (13) In-processing is just the beginning of new hire orientation. Supervisors and/or assigned mentors continue orientation throughout the initial 90-day probationary period by completing the tasks on the Mentor Checklist (Form M-1). The completed M-1 Form should be attached to the probationary Employee Performance Appraisal Form (Form E-32) upon submission.

## **VI-4.4 Hiring Procedures for Part-Time Employment**

- (1) Hiring managers must complete a Job Posting Justification Form (Form J-1) and send through the supervisory chain to the appropriate Senior Vice President, Vice President, or Executive Director for final approval by the President. Once approved, hiring managers may review POOL applications in PeopleAdmin®.

For hard to fill part-time positions requiring a vacancy announcement (posting) with advertising, hiring managers should follow the hiring procedures for full-time employment located above.

- (2) Part-time POOL hiring does not require the Employment Application Evaluation Form (E-6); however, if requesting a part-time vacancy announcement (posting), the E-6 form is required and hiring managers should follow the hiring procedures for full-time employment located above.
- (3) Prior to interviewing candidates, the hiring manager must electronically submit an Interview Committee Approval Form (Form I-3) to the Vice President for HR/IE, or designee, for approval of the interview committee. The interview committee must consist of at least 3 diverse members – all committee members must be DDI trained and identified on the I-3 Form. All committee members must participate in the interview for every candidate scheduled.
- (4) During the interview process, an FTCC Interview Guide (Form I-12) must be completed by each committee member for each candidate interviewed; form must include the committee member's target ratings for each question. An Interview Target Rating Consensus Sheet (Form I-13) must be completed by the Interview Committee Chair recording target ratings from each committee member's Interview Guide (Form I-12).
- (5) For part-time faculty positions, the candidates are expected to present an evaluated instructional demonstration or presentation. The presentation will be rated by each committee member on the Interview Guide Supplement Form (Form I-14).

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- (6) Reference Check Forms (Form R-8) must be completed after interviews.
- **New hire** (no prior FTCC employment): Three reference checks are required. One of the 3 required reference checks must be from the current/immediate past supervisor.
  - **Previous employee** of the college who departed within 2 years or less: their previous FTCC supervisor must complete a reference check and 2 additional reference checks will be required.
  - **Current employee** of the college: their current FTCC supervisor must complete a reference check and 1 additional reference check will be required.
- a. Reference checks must be conducted by the hiring manager and/or a certified interviewer who served on the committee for the candidate. Exceptions to this must be approved by the appropriate Senior Vice President, Vice President, or Executive Director.
  - b. Should a candidate under consideration indicate “no contact allowed” with current/most recent supervisor, the hiring manager must contact the candidate 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 their current/most recent supervisor. The candidate must submit in writing they concur with the College contacting the current/most recent supervisor.
  - c. Employees conducting reference checks are encouraged to contact references beyond just the persons identified by the candidate to gain additional insights and past performance information that may become available through expanded reference checks. Reference checks from individuals identified by the candidate may not give a clear picture of past performance.

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- (7) After conducting interviews and collecting reference checks, the hiring manager selects a candidate for further consideration. A hiring recommendation packet is then prepared with the following documents assembled in the order listed below:

**Part-Time Curriculum Faculty**

- **Credentials sheet** from Colleague (and F-14 Faculty Credentials Alternative Qualifications Summary Sheet for Portfolio Packet if needed)
- **Application** of the candidate recommended for hire
- **Form R-8** (Reference Check) 3 are required, 1 must be most recent supervisor (see #6 above for guidance)
- **Form I-13** (Interview Target/Question Rating Consensus) for the candidate recommended for hire
- **Form I-12** (Interview Guide)
- **Form I-14** (Interview Guide Supplement) from each panel member for the candidate recommended for hire
- **Form I-3** (Interview Committee Approval) approved by Human Resources
- **Form J-1** (Job Posting Justification Form) fully approved (see #1 above for guidance)

**Behind the first 8 bulleted items listed above**, include the interview packet for all other interviewed candidates. Each interview packet will include in the following order:

- **Form I-13** (Interview Target/Question Rating Consensus)
- **Application** of interviewed candidate
- **Form I-12** (Interview Guide)
- **Form I-14** (Interview Guide Supplement) from each panel member for each candidate interviewed

\*An E-6 is not required for POOL hiring

**No promise or commitment will be made to any candidate until final approval is received and the candidate has been cleared for hire.**

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## **Part-Time Continuing Education Faculty**

- **Form P-15** (Part-time Employee Personnel Approval)
- **Form F-14** (Faculty Credentials Alternative Qualifications Summary Sheet for Portfolio Packet if needed)
- **Application** of candidate recommended for hire
- **Form R-8** (Reference check) 3 are required, 1 must be most recent supervisor (see #6 above for guidance)
- **Form I-13** (Interview Target/Question Rating Consensus) for candidate recommended for hire
- **Form I-12** (Interview Guide)
- **Form I-14** (Interview Guide Supplement) from each panel member for candidate recommended for hire
- **Form I-3** (Interview Committee Approval) approved by Human Resources
- **Form J-1** (Job Posting Justification Form) fully approved (see #1 above for guidance)

**Behind the first 9 bulleted items listed above,** include the interview packet for all other interviewed candidates. Each interview packet will include in the following order:

- **Form I-13** (Interview Target/Question Rating Consensus)
- **Application** of interviewed candidates
- **Form I-12** (Interview Guide)
- **Form I-14** (Interview Guide Supplement) from each panel member for each candidate interviewed

\*An E-6 is not required for POOL hiring

## **Part-Time Staff**

- **Form E-4** (Employment, part-time)
- **Application** of candidate recommended for hire
- **Form R-8** (Reference check) 3 are required, 1 must be most recent supervisor (see #6 above for guidance)
- **Form I-13** (Interview Target/Question Rating Consensus) for candidate recommended for hire
- **Form I-12** (Interview Guide) from each panel member for candidate recommended for hire
- **Form E-6** (Employment Application Evaluation) signed by designated approving authority (**Not required for Pool hiring**)
  - Indicate in writing on the E-6 if any selected candidates declined an interview, withdrew, or did not show.
- **Form I-3** (Interview Committee Approval) approved by Human Resources
- **Form J-1** (Job Posting Justification Form) fully approved (see #1 above for guidance)

**Behind the first 8 bulleted items listed above,** include the interview packet for all other interviewed applicants. Each interview packet will include in the following order:

- **Form I-13** (Interview Target/Question Rating Consensus)
- **Application** of interviewed candidates
- **Form I-12** (Interview Guide) from each panel member for each candidate interviewed

**No promise or commitment will be made to any candidate until final approval is received and the candidate has been cleared for hire.**

- (8) The hiring packet must be forwarded through the supervisory chain to the President for approval to initiate a criminal background check. Once approved, the Office of Human Resources will initiate a criminal background check. Pending the receipt of the results of the criminal background check, the hiring packet is forwarded to the Vice President for Business and Finance to approve the salary. The hiring packet is returned to the Office of Human Resources until the background check results are received. After the results are received, if favorable, the Vice President for HR/IE will verify the packet includes all required documents, an acceptable criminal background check, and an approval to hire.

Should the background check results be less than favorable, the hiring packet is forwarded to the President to make a final hiring determination.

An exception to a criminal background check is available if FTCC completed an acceptable background check within 2 years or less of the anticipated hire date for the new position. The Vice President for HR/IE will verify the packet includes all the required documents, an acceptable criminal background check, and approval to hire.

The President retains the authority to approve a part-time hiring packet conditionally in situations where the position must be immediately filled and/or the completed background check has not been received. Notification of such conditional hires, pending receipt of the completed background check, will be included with the initial offer for employment. The employee must sign and return the conditional job offer letter to show understanding that continued employment is conditional upon an acceptable background check.

- (9) Employment recommendations not meeting minimum requirements must be justified by written memorandum from the appropriate Senior Vice President, Vice President, or Executive Director to the President. The memorandum should specify additional requirements and specific actions to be taken by the recommended candidate within a specified period as a condition of employment.
- a. For faculty, outstanding professional experience and demonstrated contributions to the teaching discipline may be presented in a portfolio in lieu of formal academic preparation. A Faculty Credentials Alternative Qualification Summary Sheet (Form F-14) and portfolio packet must be included in the hiring packet.
  - b. For staff, outstanding professional experience and demonstrated competence may substitute for academic preparation with a memorandum from the supervisory chain. The appropriate Senior Vice President, Vice President, or Executive Director may be required to further justify this exception to the President on an individual basis.

The President retains the authority to approve a part-time hiring packet conditionally in situations where the position must be immediately filled and/or minimum requirements are not met. Notification to such conditional hires will be included with the initial job offer for employment. The employee must sign and return the conditional job offer letter to show understanding that continued employment is conditional upon completion of minimum requirements and any other conditions.

- (10) The Office of Human Resources will notify the appropriate supervisor their recommendation is cleared for hire. Then the supervisor will submit a Part-Time Contract Request (Form C-6). Unless the contract is of a short-term duration, supervisors are highly encouraged to assign a mentor to part-time employees.

After receiving the Part-Time Contract Request (Form C-6), the Part-Time Contracts Office will:

- Create the offer letter, contract, and new hire forms.
- Contact the new hire to collect I-9 Eligibility documents, (i.e. driver license, social security card, etc.) to complete in-processing requirements.
- Send collected documents referenced above, to the Office of Human Resources and the Payroll Office to facilitate creation of Personnel and Payroll records.

## **VI-4.5 Hiring Procedures for Vice Presidents and Above**

- (1) Except in cases of upward mobility, an announcement and advertisement for job vacancy will be posted after approval by the President.
- (2) Applications submitted electronically via PeopleAdmin®.
- (3) Screening Committee consisting of the Vice President for Human Resources and Institutional Effectiveness and at least two others, selected by the President, conducts an initial review of applications and completes the Employment Application Evaluation Form (Form E-6) and submits to the President with all application packets (applications and supporting documents).
- (4) The President reviews all applications and Form E-6 and selects applicants for interviews; assembles a committee of trained interviewers and schedules interviews.
- (5) During the interview process, an FTCC Interview Guide (Form I-12) must be completed by each committee member for each candidate interviewed; form must include the committee member's target ratings. An Interview Target Rating Consensus Sheet (Form I-13) must be completed by the Interview Committee Chair recording target ratings from each committee member's Interview Guide (Form I-12).
- (6) Three Reference Check Forms (Form R-8) must be completed after interviews. It is recommended reference checks be conducted for the top two or three candidates.
  - a. One reference check must be from the current/immediate past supervisor for each of the top candidates.
  - b. Should a candidate under consideration indicate "no contact allowed" with current/immediate past supervisor, the Vice President for HR/IE must contact the candidate 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 their current/immediate past supervisor. The candidate must submit in writing they concur with the College contacting the current/immediate past supervisor.
  - c. If the candidate has previously worked or is currently working for FTCC, that supervisor must complete a reference (unless the former supervisor is no longer employed at the College). 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.

- d. Employees conducting reference checks are encouraged to contact references beyond just the persons identified by the applicant to gain additional insights and past performance information that may become available through expanded reference checks. Reference checks from references identified by the candidate may not give a clear picture of past performance.
- (7) After conducting interviews and selecting a candidate for further consideration, recommendation to hire packet should be prepared that includes:
- a. Full-Time Employment Form (Form E-3).
  - b. Application and all required attachments for the candidate selected.
  - c. Three Reference Check Forms (Form R-8).
  - d. Approved Employment Application Evaluation Form (Form E-6) signed by the President.
  - e. Completed Interview Target Rating Consensus Sheet (Form I-13) for the recommended candidate.
  - f. Completed FTCC Interview Guides (Form I-12) from each committee member for the recommended candidate.
  - g. Interview Target Rating Consensus Sheets (Form I-13) and FTCC Interview Guides (Form I-12) for the other candidates interviewed are to be included behind the recommended candidate.
- (8) The employment packet must be sent to the Office of Human Resources where a criminal background check will be initiated and results received before the employment packet is processed further. The Vice President for HR/IE will verify the packet includes all required documents and an acceptable criminal background check and will then forward the packet to the Validation Committee. With approval of the President, background checks that are taking a lengthy time for completion (such as residency in multiple states and overseas locations) may be processed with an annotation that hiring consideration is contingent on receipt of an acceptable background check. Should the background check come back unacceptable, the contingent job offer may be rescinded by the President.

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- (9) The Validation Committee, appointed by the President, will verify that the selected candidate meets all job qualifications, has acceptable references, and that all affirmative action guidelines have been followed. The committee will review the entire hiring process to verify that all policies and procedures have been accomplished. Committee members will complete and sign the Validation Committee Action Form (Form V-4) before returning the packet to the Vice President for HR/IE.
- (10) The Vice President for HR/IE will notify the President that the candidate has been approved by the Validation Committee and the President will notify the Board of Trustees' Human Resources Committee of the name of the selected candidate for acceptance prior to offering the position to the candidate.
- (11) After acceptance of the Board of Trustees' Human Resources Committee, President will offer the position to the candidate. The Vice President for HR/IE will notify the other candidates who interviewed for the position that they were not selected. Applicants who were not selected for an interview will be sent an automated email via PeopleAdmin®.

## VI-4.6 Guidelines for Hiring Retired/Returning Faculty/Staff

### VI-4.6.1 Retired/Returning Full-Time

The following guidelines govern approval of full-time employment for retired faculty/staff who wish to return to teaching or serve in an administrative role. The faculty/staff member must wait until a date after the state-mandated six-month waiting period. Any offer of employment will be contingent upon availability of a faculty/staff position and availability of funds. **The President must approve all requests for retired/returning full-time faculty/staff.**

- (1) A retired/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 based on the monthly salary rate.

- (2) 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.
- (3) The monthly salary will not exceed one-half of the monthly FTCC salary at the time of the faculty/staff member's retirement.
- (4) A retired/returning faculty/staff member may not return as a Division Chair, Department Chair, or Program Coordinator.
- (5) Faculty/staff desiring to return to teaching after the six-month waiting period and desiring to teach less than a full teaching load will receive the Pay-by-Course rate.
- (6) 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-4.6.2 Retired/Returning Part-Time

The following guidelines govern approval of part-time employment for retired faculty/staff who wish to return to work at FTCC. The retired faculty/staff member must wait until a date after the state-mandated six-month waiting period. Any offer of employment will be contingent upon availability of a faculty/staff position and availability of funds.

Requirements for faculty/staff retirees who wish to return part-time after they have completed the six-month waiting period, but their last date of employment is 2 years or less:

- (1) Hiring manager completes a Part-time Employee Rehire Request Form (Form P-17) to include:
  - a. Updated Resume (submitted by the Retiree/Returning Employee)
  - b. Updated Faculty Credentials Sheet (Faculty Only)
  - c. E-4 (Staff Only)
- (2) Hiring manager submits Form P-17 and all documentation through the supervisory chain.
- (3) Human Resources will conduct a criminal background check (if the former employee did not already have one, or if it has been more than 2 years since the last background check was completed).
- (4) Once cleared for hire is received from HR, the hiring manager will then complete a Part-Time Contract Request (Form C-6) and submit to the Part-Time Contracts Office. The Part-Time Contracts Office will create the offer letter, contract, and new hire forms and will contact the retiree to complete in-processing. The Part-Time Contracts Office then shares the documents with the Office of Human Resources.

Faculty/staff retirees who wish to return part-time after they have been gone for more than 2 years will follow the process for a new part-time hire. Refer to the hiring procedures for part-time employment located in the previous section.

\*Note: A **staff** retiree requesting to return **for the purpose of teaching classes** will follow the process for a new part-time hire.

### **VI-4.6.3 Resigning Full-Time Desiring to Continue Part-Time Employment**

Faculty/staff members who resign from full-time employment but desire to immediately transition to part-time may be approved, dependent upon the needs of the department.

Immediate supervisors must complete a Part-time Employee Rehire Request Form (Form P-17) and attach it to the Resign or Retire Memorandum Form (Form R-2) and send through the supervisory chain to the Vice President for HR/IE for approval with the following:

- (1) Updated Faculty Credentials Sheet (printed from Colleague) (Faculty Only)
- (2) E-4 (Staff Only)
- (3) Updated Resume

### **VI-4.6.4 Rehiring Faculty and Staff for Part-Time Employment within 2 years or less**

To rehire faculty/staff members for part-time employment within 2 years or less of their last date of employment, immediate supervisors should follow the guidance on the Part-time Employee Rehire Request Form (Form P-17).

Human Resources will conduct a criminal background check (if the former employee did not already have one, or if it has been more than 2 years since the last background check was completed).

### **VI-4.7 Resignations and Retirements**

All employees who are voluntarily resigning or giving notice of retirement must complete FTCC Form R-2 (Resign or Retire Memorandum) notifying the supervisory chain of their intent. Directions for completion are included on the form.

After the President's acceptance of the resignation or retirement, an Exit Check-Out Form (E-13) will be initiated through DocuSign from the Office of Human Resources. The resigning/retiring employee will receive a copy notifying them of the form's initiation. After all signatures are obtained through DocuSign, the employee will receive an email requesting their signature on the form; no other actions are needed by the employee for form completion.

## **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 provide timely, accurate, and professional support to students, visitors, and other College employees.

### **VI-5.1 Absenteeism and Tardiness**

As a condition of employment, all employees must 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. All employees are expected to be at their work site, prepared to work at their scheduled time, unless excused in advance by their supervisor. Excessive or habitual absenteeism or tardiness may result in disciplinary action.

- Absenteeism – Not present for work as scheduled, regardless of cause.
- Unexcused absenteeism - Failure to report for work as scheduled without prior approval of the supervisor.
- Tardiness - Arriving late for work, returning late from breaks/meals, or early departure from work without prior supervisor approval.

In rare instances, when employees cannot avoid being late for work or are unable to work as scheduled, they are required to obtain approval for their absence from their supervisor (or their supervisor's supervisor) prior to the beginning of their scheduled shift. Failure to contact the supervisor (or supervisor's supervisor) when absent or late may result in disciplinary action.

For additional information, see *Verification of Sick Leave* in the **FTCC Administrative Procedures Manual**.

## **VI-5.2 Disciplinary and/or Corrective Action**

Corrective action may be taken to preclude the adverse impact on the College's standards and service obligations should any employee:

- (1) fail to meet the expectations, demands, and/or essential duties of their job,
- (2) not perform their job in a satisfactory manner,
- (3) violate College policies or procedures, or
- (4) engage in conduct, on- or off-campus, that could reasonably be considered unbecoming of an FTCC employee.

Where such action may be necessary, it will be undertaken without regard to race, national origin, color, religion, sex/gender, disability, age, or political affiliation.

Disciplinary or corrective action may include, but is not limited to, the following:

- (1) informal verbal or written counseling,
- (2) formal verbal or written counseling/reprimands,
- (3) placement on a Performance Improvement Plan (PIP),
- (4) probation,
- (5) suspension with or without pay, or
- (6) termination of service.

The disciplinary or corrective action taken is dependent upon the nature and severity of the employee's actions or inactions.

Personal and private counseling of an employee or 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. In the case of formal counseling, supervisors are expected to document, in writing, the major points discussed and retain a copy of the documentation.

When an employee's actions warrant, he or she may be reprimanded, either verbally or in writing, by the immediate supervisor. Written reprimands must be approved (initialed) by the appropriate Senior Vice President, Vice President, or Executive Director prior to inclusion in the employee's personnel file.

If a Performance Improvement Plan (Form P-24) is used, supervisors must forward the original copy to the Office of Human Resources for inclusion in the personnel file and retain a copy in the department files.

For serious violations, a supervisor may recommend to the College President that an employee be placed on probation, suspension, or terminated. This recommendation, with supporting documentation, must be submitted through the supervisory chain and the Vice President for HR/IE to the President.

An employee may be suspended with or without pay pending an investigation directed by the President into alleged misconduct or improper performance of duties for up to 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 or without 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.

\*Note: If the misconduct is a Title IX related allegation, the procedures in section VI-9 must be followed.

## **VI-5.3 Probation, Suspension, or Termination**

### **VI-5.3.1 Contract Employees**

This section 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. 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.

There is no tenure system at Fayetteville Technical Community College; however, any contract employee who alleges that his or her Constitutional rights have been violated in employment decisions has the right to the appeal procedures as specified.

The procedures stated in this section and its subsections shall not apply in instances of contract non-renewal or reduction in force of employees, whether part-time or full-time.

This policy shall also not apply to employees who have no written contract of employment for a specific period.

FTCC provides to contract employees, as defined above, the right to an appeal of their dismissal.

### **VI-5.3.1.1 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 cause includes, but is not limited to, the following:

- (1) incompetence,
- (2) neglect of duty,
- (3) conduct unbecoming of an FTCC employee,
- (4) the commission of an act involving moral turpitude (including sexual harassment/violence or other related Title IX misconduct),
- (5) abandonment of employment, and/or
- (6) insubordination.

A contract employee may be placed on probation with conditions to include, but not limited to, the following:

- (1) contracts for a limited duration, or
- (2) other appropriate conditions.

There is no right to appeal a probation decision.

### **VI-5.3.1.2 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 appropriate divisional Senior Vice President, Vice President, or Executive Director. 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 verbally or in writing to the proposal before a final decision is made by the President.

### **VI-5.3.1.3 Notice of Intent**

A contract employee will be given notice by the appropriate divisional Senior Vice President, Vice President, or Executive Director 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 an appeal of the decision made by the President. The request shall be made to the President within 10 working days of receipt the notice of the decision. The request must 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-5.3.1.4 Hearing Request**

If an employee is not satisfied with the President's decision from the appeal, they may request a hearing before an ad hoc committee.

- (1) The ad hoc 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 ad hoc committee, except those who have been directly involved with the recommendation or consideration.
- (2) The hearing shall be held within 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 ad hoc committee.
- (4) Within five working days after the hearing, the ad hoc committee shall make a written recommendation to the President. Such recommendation will include appropriate findings of fact and conclusions of the committee.

### **VI-5.3.1.5 Decision of the President**

Within 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 ad hoc committee's recommendation, a contract employee may file a written appeal within 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 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 verbal testimony.

The Board of Trustees will render a final decision on the matter within 45 calendar days of their receipt of the contract employee's appeal. No additional administrative remedy shall be granted after a decision is made by the Board or its ad hoc committee.

## **VI-5.3.2 Non-Contract Employees**

### **VI-5.3.2.1 Grounds for Probation, Suspension, or Termination**

Non-contract employees are considered at-will employees and may be placed on probation, suspension with or without pay, or terminated for cause related to personal conduct or improper performance of duties. Such causes include, but are not limited to, the following:

- (1) incompetence,
- (2) neglect of duty,
- (3) conduct unbecoming of an FTCC employee,
- (4) the commission of an act involving moral turpitude (including sexual harassment/violence or other related Title IX misconduct),
- (5) abandonment of employment, and/or
- (6) insubordination.

A non-contract employee may be placed on probation with conditions to include, but not limited to, the following:

- (1) disqualification for salary increases, or
- (2) other appropriate conditions.

Non-contract employees have no right to appeal unless the appeal is based on alleged illegal discrimination.

## **VI-6 Political Activities of Employees**

### **VI-6.1 Definitions**

The following terms have the meanings indicated:

- (1) **Employee:** Instructional faculty, administrative faculty, administrative staff, general staff, and other persons employed by FTCC at the pleasure of the Board or on other short-term contracts, including the President.
- (2) **Board:** The Trustees of Fayetteville Technical Community College.
- (3) **FTCC:** Fayetteville Technical Community College.
- (4) **Public Office:** Any national, state, or local government position of public trust and responsibility, whether elective or appointive, which is created or prescribed or recognized by a Constitution, statute, or ordinance. Membership in the General Assembly of North Carolina will constitute a full-time public office under this definition.

### **VI-6.2 Policy**

It is the policy of the Board that each FTCC employee will retain all rights and obligations of citizenship established by the constitutions and laws of North Carolina and the United States. The Board encourages employees of FTCC to exercise their rights and obligations of citizenship; however, campaigning for public office, holding part-time or full-time public office, serving as a member of the General Assembly, or soliciting support for political candidates and activities during regular work hours may not interfere with the responsibilities of employees of FTCC and also may not derogate from the responsibility to provide the best possible education to students. This policy an attempt to define reasonable constraints for employees engaging, or proposing to engage, in such political activities.

### **VI-6.3 Procedures**

- (1) Any employee of FTCC who formally becomes a candidate for election shall submit written notification of their candidacy through the Vice President for Human Resources and Institutional Effectiveness and the President to the Board within 15 calendar days of their filing a notice of candidacy with the appropriate Board of Elections. Employees who are appointed to a public office shall notify the Board of their appointment within 15 calendar days of their acceptance of such appointment.
- (2) Any employee who is elected or appointed to a full-time public office or to 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 is prohibited from soliciting support during his or her regular work hours, either on or off the College property, unless otherwise authorized by the Board. For the purposes of this restriction, an employee may solicit support while utilizing annual leave previously authorized by the employee's supervisor. 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 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, national origin, religion, age, sex/gender, 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.

#### **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 position(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, sex/gender, disability, age, or political affiliation.

### **VI-7.1.4 Employee Rights Upon Termination**

The employee rights granted in this section shall apply to full-time employees who are not holding a position funded by a grant or other special appropriation or who worked less than an average of six hours per day for the 40 working days immediately prior to the issuance of "Notice of Termination" described above.

- (1) **Severance Pay:** Employees terminated pursuant to these provisions shall receive severance pay in an amount 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.
- (2) **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 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.
- (3) **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 employee terminated pursuant to these provisions.
- (4) **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 15 calendar days of the date the offer was mailed

by the College. Failure to respond within the provided 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 Office of Human Resources of changes in address during the one-year period following the termination pursuant to this policy. Certified mail returned as non-deliverable will be considered as offering the position 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, sex/gender, disability, age, or political affiliation.

The employee must request the review of the action in writing and address it to the President. The request must specify the grounds on which it is contended that the decision to terminate was the result of discriminatory action against the employee based upon his/her race, national origin, color, religion, sex/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 the decision to the Board of Trustees.

#### **VI-7.1.6 Furloughs**

In the event 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 employment for 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, withhold pay for the period of any such furlough, and to reduce or eliminate any employee benefit when the benefit is not required by law.

## **VI-8 Employee Grievances and Appeals**

### **VI-8.1 Grievances**

Fayetteville Technical Community College expects employees to work together collegially, 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 disputes, including matters that are severe, pervasive and which impede the employee's ability to satisfactorily perform his/her duties, including allegations of violations of Title VII and other forms of illegal discrimination. Grievances will be filed through the supervisory chain unless the alleged discrimination is related to Title IX (sexual harassment/violence, gender identity/sexual orientation, and/or pregnancy). Title IX procedures are located in section VI-9 of this manual.

*Disclaimers: The employee grievance process is not designed for and shall not be used to dispute performance counseling, performance improvement plans, performance appraisal evaluations, probations, suspensions, or terminations.*

### **VI-8.2 Policy – Employee Grievances and Appeals**

FTCC encourages the prompt and fair resolution of grievances. An employee may present a grievance without fear of coercion, restraint, interference, penalty, or retaliation.

### **VI-8.3 Procedures**

**Step 1:** Employees are encouraged to attempt to resolve their grievances(s) at the lowest possible level by first discussing the concerns directly with the party (parties) involved, as the other party may not be aware of the concern. This discussion should be scheduled within 15 calendar days of the incident(s) giving rise to the grievance.

**Step 2:** If the employee is not satisfied with the Step 1 resolution, the employee must present their written grievance to their immediate supervisor within 30 calendar days of the incident giving rise to the grievance. Should the grievance be against their immediate supervisor, the employee must present the written grievance to the supervisor's immediate supervisor. The employee(s) and their supervisor(s) will meet within three working days following the submission of the grievance to discuss and attempt resolution. The supervisor(s) will provide a written decision on the grievance as soon as possible, but in most cases within 10 working days following this meeting.

**Step 3:** If the employee is not satisfied with the Step 2 decision, the employee may appeal the decision in writing to the next level of supervision. The employee must submit the request for appeal within five working days and include all documentation from Step 2 (complaint through the previous decision), specifically addressing what portions of the previous decision they are appealing. The next level of supervision will render a fair and impartial written decision based upon review of the documentation provided and/or by meeting with the parties involved as soon as possible, but in most cases within five working days of receipt of the appeal. The appellant will be notified in writing of the decision rendered and a copy of the notification will be retained by the supervisor.

**Step 4:** If the employee is not satisfied with the Step 3 decision, the employee may appeal the decision in writing to the appropriate Senior Vice President, Vice President, or Executive Director. The employee must submit the request for appeal within five working days and include all documentation from Step 2 and 3 (complaint through the previous decisions), specifically addressing what portions of the previous decision they are appealing. The Senior Vice President, Vice President, or Executive Director will render a fair and impartial written decision based upon review of the documentation provided and/or by meeting with the parties involved as soon as possible, but in most cases within five working days of receipt of the appeal. The appellant will be notified in writing of the decision rendered and a copy of the notification will be retained by the supervisor.

**Step 5:** If the employee is not satisfied with the Step 4 decision, the employee may, within five working days, appeal the previous decision in writing through the Vice President for HR/IE to the President. The employee shall attach the step 2, 3, and 4 written complaints/appeal decisions and specifically address what portions of the previous decision is being submitted for further consideration. The President will render a fair and impartial written decision based upon review of the documentation provided and/or by meeting with the parties involved as soon as possible, but in most cases within 10 working days of receipt of the appeal. The President's final and binding decision will be provided to the appellant and a copy maintained in the Office of Human Resources.

## **VI-9 Sexual Harassment/Violence Prevention (Title IX Processes)**

See paragraph VI-1 of this manual for the Board of Trustees Non-Discrimination and Equal Opportunity Policy Statement.

### **VI-9.1 Policy**

All members of the College 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. Sexual harassment, as defined below, 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.

It is a violation of this policy for any faculty, staff, or student to retaliate against any other person involved in a Title IX complaint. However, an action imposed on the Respondent by and through the processes described in this policy is not retaliation.

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 sexual harassment/violence or assault and to provide for the orderly resolution of complaints of such illegal activities.

### **VI-9.2 Title IX Officers**

The President hereby designates the following Title IX officers:

- (1) Vice President for HR/IE to serve as the Institution's Title IX Coordinator.
- (2) Personnel Manager to serve as the Institution's Deputy Title IX Coordinator for employees.
- (3) Associate Vice President for Student Services to serve as Deputy Title IX Coordinator for curriculum students.
- (4) Associate Vice President for Corporate and Continuing Education to serve as Deputy Title IX Coordinator for corporate and continuing education students.
- (5) Associate Vice President for Academic Support to serve as Deputy Title IX Coordinator for Spring Lake Center and other educational facilities in the Spring Lake area.

- (6) Director of Intercollegiate Athletics to serve as Deputy Title IX Coordinator for student athletes.
- (7) Director of Public Safety and Security to serve as Title IX Investigator.
- (8) Assistant Director of Public Safety and Security or other officer designated by the Director of Public Safety and Security to serve as Deputy Title IX Investigator.

The Vice President for HR/IE provides oversight of all Title IX matters regardless of the Deputy Title IX Coordinator assigned to the matter. In the absence of the Title IX Coordinator, the Personnel Manager is designated as the College's Title IX Coordinator for the duration of that absence. The Director of Public Safety and Security is designated as the primary Title IX Investigator, and may delegate investigative responsibilities to others trained to investigate Title IX matters.

In the event an allegation of Sexual Harassment/Violence is made against the Title IX Coordinator, the Vice President of Administrative Services shall be designated as the alternate Title IX Coordinator for that complaint. **All Deputy Title IX Coordinators will be trained in Title IX matters.**

Duties and responsibilities include:

- (1) Maintain a working knowledge of Title IX Rules and Regulations;
- (2) Engage in reasonable efforts to inform faculty, staff, vendors, students and College visitors of the policy prohibiting Sexual Harassment and/or Violence and/or the procedures for filing and resolving complaints;
- (3) Coordinate Title IX complaints with the appropriate Deputy Title IX Coordinator and/or investigators;
- (4) Ensure both parties to sexual harassment, assault or violence complaints are offered interim measures upon initial receipt of the complaint and at any other appropriate time, including but not limited to:
  - a. Referral to Student/Employee Assistance Program;
  - b. Referral to rape crisis centers;
  - c. Voluntary schedule modification;
  - d. Mutual limitations on contact with one another;
  - e. Extension of deadlines (work or course);
  - f. Security escorts or increased security presence in areas of campus; and,

g. Other reasonable assistance.

No interim measure, such as changing course sections or moving from a face-to-face class to an online class, can be to the detriment of either party, unless the party subjected to the detriment voluntarily agrees to the interim measure;

- (5) Ensure Title IX matters are resolved in a timely manner and within compliance of Title IX resolution policies, procedures, rules, and/or federal and state guidelines;
- (6) Maintain the confidentiality of all records of investigations to the fullest extent permitted under the law, but acknowledging that such protections of confidentiality may be incomplete;
- (7) Fulfill all duties and responsibilities in a manner that are fair and impartial to both the Complainant and the Respondent;
- (8) The Title IX Coordinator and Deputy Coordinator with jurisdiction over the matter may engage with the Complainant and Respondent in an informal resolution process after a Formal Complaint is received and before the expiration of any appeal rights related to a determination in the matter. Participation in any informal resolution process must be voluntary for both the Complainant and Respondent and either can choose to end their participation at any time. The informal resolution process may **not** be used when the respondent is an employee of the College;
- (9) The Title IX Coordinator shall be responsible for effectively implementing any sanctions and remedies imposed by the hearing officer; and Title IX Coordinators/Investigators shall remove oneself from any matter, discussion, or decision where that person has an actual conflict of interest.

### **VI-9.3 Filing a Complaint**

Formal Complaints of any violation of the Board of Trustee's Prevention of Sexual Harassment/Violence or Assault procedure shall be directed to the appropriate Deputy Title IX Coordinator as soon as practical. In the event the complaint is against the VP of HR/IE, the complaint shall be made to the Vice President of Administrative Services.

When filing a Formal Complaint, you are encouraged, but not required, to complete and submit a Harassment Complaint Form D-8 (available in the fill-in forms also assessible on the College's Title IX website)) to the appropriate Deputy Title IX Coordinator.

Those filing complaints under this procedure may also file a criminal complaint. Alleged victims shall be notified of this right by either the Title IX Coordinators or Investigators at the time of the initial discussion and filing of the Formal Complaint.

## **VI-9.4 Presumption that Respondent did not Engage in Wrongful Conduct**

Inherent within all proceedings related to a Title IX complaint, whether formal or informal, is an assumption that the person against whom allegations are made did not engage in the conduct giving rise to the complaint. This presumption exists until a final decision is made by the College in the matter.

## **VI-9.5 Notice to Respondent**

Upon receipt of a complaint alleging a violation of policy VI-9.1 and before any interview of the Respondent relating to the Complaint, the Title IX Coordinator or Deputy Coordinator shall provide the Complainant and Respondent written notice of the Complaint that includes:

- (1) A statement that the process by which the complaint will be resolved meets the requirements of Title IX and its associated regulations as stated in 34 CFR 106;
- (2) That the resolution of the complaint may be obtained through a voluntary and informal resolution process which complies with 34 CFR 106;
- (3) Sufficient details of the complaint, including the identities of the known individuals involved in the incident, the conduct alleged to violate the College's policy, the location(s) of the alleged conduct, and the date(s) of the alleged conduct;
- (4) A statement that the Respondent is presumed not responsible for the alleged conduct;
- (5) Notice that presumption may end only at the conclusion of the process described in this Sexual Harassment / Violence Prevention Policy;
- (6) That both the Complainant and the Respondent may be represented by an advisor of their choice at all stages of the process to resolve the complaint, and that the advisor is permitted to be, but not required to be, a parent or an attorney;
- (7) A request that the Complainant and the Respondent notify the Title IX Coordinator of any advisor selected to represent the Complainant or the Respondent during the process described in this policy and provide authorization permitting the College to release information to their selected advisor for the purposes of seeking a resolution to the complaint;
- (8) Notice that all evidence obtained during the process by the Title IX Coordinator, Deputy Coordinator, and Investigators is available for inspection and review by the parties and their advisors;

- (9) A reminder that the Complainant and Respondent are prohibited from making false statements or submitting false information to the College; and,
- (10) A statement that the Respondent will receive an additional written notification if allegations not specifically identified in any prior written notification are to be investigated or additional parties to the Complaint are identified.
- (11) Identification of the Title IX Coordinator or Deputy Coordinator who is responsible for the coordination of this Title IX process.

## **VI-9.6 Informal Resolution**

The informal resolution process is not available to resolve any complaint involving sexual harassment / violence of a **student by a College employee**.

At any time after a formal complaint is filed but before a decision of responsibility is made following a hearing, the Title IX Coordinator or Deputy Coordinator may offer the Complainant and Respondent the opportunity to attempt to resolve the Complaint informally. If an informal resolution is to be attempted, the Title IX Coordinator or the Deputy Coordinator must provide written notice to the Complainant and Respondent of the allegations alleged in the Complaint and a statement that if agreement is reached between the Complainant and the Respondent during the informal resolution process, the Complaint will be deemed resolved and no further action will be taken by the College on the conduct and circumstances giving rise to the complaint.

No face-to-face meeting is required during an informal resolution process, and participation in such a process must be voluntary. Both the Complainant and Respondent must consent **in writing** to an attempt to informally resolve the Complaint. Either party may withdraw their consent to an informal process to resolve the Complaint by providing **written** notice to the Title IX Coordinator or Deputy Coordinator. Any withdrawal of consent must be received by the Title IX Coordinator or Deputy Coordinator before agreement is reached on the resolution of any complaint, including agreement on sanctions and remedies. Once an agreement is reached to informally resolve the Complaint, the Complaint shall be closed and no further action may be taken against the Respondent on the conduct identified in the Complaint. Agreement shall be deemed reached when both parties agree **in writing** as to the informal resolution, or when the time period for objecting to a propose informal resolution expires. At least 10 calendar days must be granted for a party to object.

## VI-9.7 Investigation

The Title IX Investigator, Deputy Investigator, or designees (collectively “Investigators”) shall be responsible for investigating all allegations of conduct which violates the Sexual Harassment/Violence Prevention Policy (“Policy”). All investigative efforts will be conducted in a fair and impartial manner and shall presume the Respondent did not engage in any alleged conduct that violated the Policy. Investigations must be assigned to an investigator that does not have a conflict of interest in the matter.

Neither the Investigators nor any other representative of the College shall access medical, psychiatric, or psychological records of either party, unless that party voluntarily consents to the release to the College of that information. In addition, Investigators shall:

- (1) Conduct the investigation in a timely manner. Except in unusual circumstances, the investigation should be substantially completed within 20 calendar days of the receipt of the Complaint by the Title IX Investigator or Deputy Investigator;
- (2) Provide each party an equal opportunity to identify witnesses – such as fact or expert witnesses - to the Investigator(s);
- (3) Provide each party with an equal opportunity to share with Investigator(s) evidence, whether of an inculpatory or exculpatory nature;
- (4) Fully investigate the allegations of a violation of the Title IX, including exploration of evidence, if any, provided by the Complainant and Respondent;
- (5) Permit any party, whose presence is required or requested during a part of the investigation, such as during an interview, to have an advisor, chosen by the party, to be present for that part of the investigation. The selected advisor may not unreasonably interfere or disrupt the investigation, including the interview of the party represented;
- (6) All interviews will be recorded and the interviewee will be told the interview is being recorded;
- (7) Allow the Complainant and Respondent to discuss the allegations with others, but Investigators may request that information be held in confidence;
- (8) Prior to the conclusion of the investigation, permit both parties and their advisors an equal and reasonable opportunity to review all evidence related to the Complaint and collected by the Investigators, including evidence gathered that the Investigators do not intend to rely upon;

- (9) After inspection of the evidence, permit each party at least 5 calendar days to provide Investigators with any response they may have as to the evidence gathered;
- (10) Consider any responses received to the evidence gathered and prepare a draft investigative report and share the report with the Respondent, Complainant, and their advisors. The Complainant and the Respondent shall have 10 calendars days to submit any response they may have to the draft investigative report;
- (11) Provide a copy of the final investigative report that fairly summarizes all relevant evidence to both the Respondent, Complainant, and their advisors at least 10 days prior to any hearing on the matter. If either party wishes to provide a response to the investigative report, the response should be provided to the Title IX Coordinator or Deputy Coordinator; and,
- (12) Provide a copy of the final investigative report to the Title IX Coordinator and/or Deputy Coordinator.

## **VI-9.8 Dismissal**

Any allegation of a violation of Title IX shall be dismissed if it is determined that the conduct about which the complaint was filed could not amount to a violation of Title IX even if the allegations were true. Any allegation of a violation of Title IX shall also be dismissed in the event the conduct occurred against a person not in the United States.

In addition, the Title IX Coordinator may dismiss any allegation of a violation of Title IX if the Complainant requests in writing at any time before a hearing on the matter concludes that the complaint be dismissed. A complaint may also be dismissed if the Respondent ends his/her enrollment and/or employment with the College or if specific circumstances prevent the investigation from gathering sufficient evidence to support a determination as to the formal allegations or complaint.

## **VI-9.9 Hearing**

The purpose of any hearing is to attempt to hear all relevant evidence and make a fair and impartial decision as to the allegations which are made. Subject to the rules stated below, the Hearing Officer shall be selected by the College President and shall preside over hearings involving Title IX complaints. The Hearing Officer need not be a licensed attorney and the state and federal rules of evidence and civil procedure do not apply. Instead, the Hearing Officer will endeavor to permit the presentation of all relevant information and the opportunity to the cross-examination of information presented. All participants in the hearing shall conduct themselves in a respectful and civil manner.

**The Hearing Officer shall not permit the Complainant or the Respondent to question or cross-examine each other directly.** The Hearing Officer must permit each party's advisor to ask the other party and any witnesses all relevant questions and

follow-up questions, including those that challenge the credibility of a witness or evidence. Additional details include:

- (1) Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party directly.
- (2) At the request of either party, the recipient must provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear one another.
- (3) Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Hearing Officer must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.
  - a. The Hearing Officer must deem as irrelevant questions and evidence about a complainants' prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.
  - b. Live hearings may be conducted with all parties physically present in the same geographic location or, at the College's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.
  - c. Hearings shall be recorded and a copy of the recording shall be made available to either party or their advisor upon request.

### **VI-9.10 Standard of Evidence**

The decision made by the Hearing Officer after the conclusion of the hearing, shall be fair and impartial and based upon the Preponderance of Evidence standard as defined in this policy.

### **VI-9.11 Appointment of Advisors**

During any hearing, both the Complainant and the Respondent shall have an advisor they select or an advisor appointed by the College. Advisors may be, but are not required to be, parents and/or attorneys. If either the Complainant or Respondent fail to select an advisor, the College will appoint an advisor to provide the person with assistance and guidance, including the cross examination of witnesses and evidence during the hearing. In the event an advisor is appointed by the College, the advisor selected shall have no conflicts of interest that might impair their ability to provide representation. Advisors appointed by the College will be trained in Title IX matters, but may not be an attorney – even if the other party is represented by an attorney.

### **VI-9.12 Written Decision**

The Hearing Officer shall prepare a **written** decision which, at a minimum, shall include:

- (1) A list of all allegations within the complaint that potentially constitute sexual harassment as defined in this policy;
- (2) A general description of each step taken from the time the complaint was received and through the completion of the hearing;
- (3) Findings of fact;
- (4) Discussion of the College's policy and how the findings of facts support the determination in light of the College's policy;
- (5) A statement of the result of as to each allegation and the rationale for each result;
- (6) A list of any sanctions imposed on Respondent and a list of any remedies provided to Complainant, if the Respondent is found to have violated the College's policies related to sexual harassment using the Preponderance of Evidence standard; and,
- (7) A statement of any appeal rights available to the Complainant or Respondent and deadlines to file any appeal.

The Hearing Officer shall prepare the written decision and provide it, within 10 calendar days, to the Complainant, the Respondent, and the Title IX Coordinator using each party's college e-mail address.

### **VI-9.13 Sanctions**

Sanctions include, but are not limited to:

- (1) **For College Employees:** informal counseling, formal Performance Improvement Plans, probation, suspension (with or without pay), and/or termination.
- (2) **For College Students:** transfer from one course section to another, completion of counseling, probation, suspension, and/or permanent expulsion.

### **VI-9.14 Remedies**

Any remedy to which the Complainant and Respondent agrees and which does not burden the Respondent, may be granted by the College to the Complainant. In the event the Respondent is found to have engaged in conduct that violated Title IX, remedies may be granted to the Complainant that burden the Respondent when such remedies are recommended by the Hearing Officer. Remedies may include, but are not limited to: referrals to counseling, advocacy, and support agencies such as the Employee/Student Assistance Program, security escorts while on college properties, and/or schedule adjustments.

## **VI-9.15 Appeal**

Either the Respondent or Complainant may appeal the decision of the Hearing Officer. Any appeal must be in writing and must be e-mailed to the Title IX Coordinator located in the Human Resources Office. The appeal shall be e-mailed to the Title IX Coordinator within 15 calendar days after the written decision of the Hearing Officer is e-mailed to the Complainant and Respondent. If the Title IX Coordinator does not receive an appeal within the 15 calendar days, the decision of the Hearing Officer shall be deemed final and no additional administrative appeal rights shall be available for either party.

Upon receipt of any appeal, the Title IX Coordinator shall e-mail the appeal to the non-appealing party. The non-appealing party shall have 15 calendar days to respond to the appeal. Any response to the appeal shall be e-mailed to the Title IX Coordinator, located in the Human Resources Office, who shall share a copy of the response with the appealing party.

Appeals may be made only for one or more of the following reasons:

- (1) Procedural irregularity that affected the outcome of the matter;
- (2) New evidence which could have reasonably affected the outcome of the matter when the new evidence was not reasonably available at the time the Hearing Officer rendered a decision in the matter; or,
- (3) The existence of an actual conflict of interest or bias against either the Complainant or the Respondent where the conflict or bias affected the outcome of the matter.

Once time has expired for the non-appealing party's response to the appeal, the Title IX Coordinator shall provide to the College President the Hearing Officer's decision, the Appeal, the response to the appeal, if any, and any other relevant information. The College President shall review all relevant information and shall draft a final decision in the matter. That draft shall be shared with the Complainant and the Respondent by e-mail within 15 calendar days of the College President's receipt of the appeal and associated information from the Title IX Coordinator. The Complainant and the Respondent shall have 7 calendar days to review and respond to the draft. The College president shall review any response received, shall make any changes to the draft if warranted, and shall render a final decision in the appeal. The final decision shall describe the result of the appeal and the rationale for the result. The final decision of the College President shall not be appealable and no further administrative procedure in the matter shall be available to either party.

## VI-9.16 Sexual Harassment/Violence Prevention Definitions

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

- (1) **Consent** is defined as an 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 in 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.
- (2) **Complainant** is defined as an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- (3) **Formal Complaint** is defined as a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting the College investigate the allegation of sexual harassment.
- (4) **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.
- (5) **Respondent** is defined as an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- (6) **Sexual Harassment** is defined as conduct on the basis of sex that satisfies one or more of the following:
  - a. A College employee conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwanted sexual conduct;
  - b. Unwelcomed conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to any of the College's activities or programs;
  - c. Sexual Assault as that term is defined by federal law; (See 20 U.S.C. 1092(f)(6)(A)(v).)

- d. Dating Violence as that term is defined by federal law; (See 34 U.S.C. 12291(a)(10).)
- e. Domestic Violence as that term is defined by federal law (See 34 U.S.C. 12291(a)(8).)
- f. Stalking as that term is defined by federal law (See 34 U.S.C. 12291(a) (10).)

### **VI-9.17 Jurisdiction and Application of Policy**

The “Sexual Harassment/Violence Prevention Policy” 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 Sexual Harassment occurring:

- (1) On any campus or property controlled by FTCC, including leased facilities; or,
- (2) During any FTCC program, activity, event, or circumstance over which FTCC has exercised substantial control over the respondent and the context in which **the alleged sexual harassment occurs.**

### **VI-9.18 Responsible Employees and College’s Response Obligations**

Every member of the FTCC administration, faculty and staff, including work-study students, shall be required to notify any FTCC Title IX Officer of any conduct of which they become aware that appears to meet the definition of Sexual Harassment including acts of sexual violence.

### **VI-9.19 Cooperation Required in Title IX Investigations**

An individual who believes that he or she has been subjected to illegal sexual harassment, sexual assault, and/or sexual violence, in violation of the College’s policy must engage in any investigation freely, openly, and honestly while conferring with the Deputy Title IX Coordinators, College Title IX Coordinator, and/or Title IX Investigators and cooperate with efforts to determine the facts and circumstances leading to the complaint. The person alleged to have violated the college’s policies prohibiting sexual harassment, sexual assault, and/or sexual violence is also required to engage freely, openly, and honestly with Title IX coordinators and investigators.

## VI-9.20 Retaliation

The College will not retaliate against a Complainant or Respondent as follows:

- (1) The College will not charge an individual with a Code of Conduct violation for the purpose of interfering with any right or privilege secured by Title IX.
- (2) Except as required by laws, rules, or regulations, the College, including all Title IX Officers, must keep the identity of Complainants, Respondents, and witnesses confidential.
- (3) Complaints alleging retaliation may be filed according to the College's grievance procedures for a prompt and equitable review of those allegations.
- (4) The exercise of rights protected under the First Amendment do not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX grievance proceeding **does not constitute retaliation**; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

## VI-9.21 References

- (1) 34 CFR 106
- (2) Title VI and VII of the Civil Rights Act of 1964 and 1991
- (3) Title IX of the Education Amendments of 1972
- (4) Clery Act
- (5) Violence against Women Act

## **VI-10 Performance Appraisal Policy and Procedures**

### **VI-10.1 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-10.2 Professional Development and Training**

Professional development is essential for all faculty and staff to grow and increase effectiveness in performance of their jobs. In keeping with this philosophy, full-time faculty are required to complete 30 hours of professional development annually (see Faculty Handbook for details on requirements) and full-time staff are required to complete 12 hours of professional development annually. Part-time faculty are required to complete 3-6 hours of professional development annually. Part-time staff are encouraged to attend professional development sessions as their work schedule permits.

The College offers both face-to-face and online professional development opportunities to accommodate various work schedules and locations. Attendance and/or credit for any professional development session is approved/disapproved by the immediate supervisor. Employees are responsible for tracking their own professional development hours using the Employee Professional Development Form (Form P-14a or P-14b) and attaching it to their Employee Performance Appraisal Form (Form E-32).

The supervisor and the employee should review the employee's professional development using Form P-14 during the closeout of the performance appraisal. Supervisors will ensure the form is attached to Form E-32 before signing and submitting to Human Resources through the supervisory chain.

Professional development activities may be defined as:

- (1) Attending professional development sessions sponsored by the College
- (2) Preparing and presenting professional development sessions at the College
- (3) Completing continuing education courses related to career field
- (4) Pursuing advanced degrees that support the mission of the College
- (5) Attending any training related to career field
- (6) Attending or presenting at conferences, seminars, webinars, and workshops
- (7) Holding offices in professional/academic organizations

(8) Preparing articles and/or books for publication

All faculty and staff are expected to complete any College-mandated training as set forth by the College administration. These mandated trainings are not to be included in the 30 hours required professional development for faculty and the 12 hours required professional development for exempt staff (non-exempt staff may count the hours).

The following College-mandated training must be completed within 90 days of the employee's hire date and renewed thereafter according to the requirements set forth by the administration. The list of mandated training is subject to change.

- (1) Prevention of Sexual Harassment/Violence and Title IX Clery Act
- (2) Public Safety and Security
- (3) Student Records
- (4) Bloodborne Pathogens
- (5) Cyber Security Awareness (KnowBe4)

## **VI-10.3 Procedures**

(1) Types of Appraisals

a. Annual

The annual review period will run with the fiscal year calendar or begin at the end of the probationary performance appraisal period.

The annual 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 Office of Human Resources no later than the following dates:

May 30 – Contract II Faculty (10-month Faculty)

July 15 – Contract I & Contract III Faculty (12-month Faculty)

July 15 – Staff

Supervisors may attach an addendum to the appraisal indicating outstanding or substandard employee performance during the remainder of the fiscal year. An addendum may be included for 10-month faculty contracted to work beyond the May 30th date.

b. Probationary (90 day)

Ninety days from the employee's original hire date, or date of a new position, supervisors will complete and submit a Probationary Performance Appraisal evaluating performance during the first 90 days.

c. Change of Rater

If a full-time employee changes supervisor and has worked for the supervisor for at least 90 days, a performance appraisal will be completed according to the end of the review period procedures (see Item 5 below). The new supervisor will establish three or more objectives.

d. Multiple Supervisors of Single Employee

Full-time employees reporting to more than one supervisor should have an Employee Performance Appraisal (Form E-32) completed by each supervisor. Each supervisor will establish a minimum of three objectives.

e. Exiting Employees Prior to Appraisal End Date

Full-time employees who separate from employment with the College will receive an end-of-service performance appraisal. The supervisor will provide the written performance appraisal through the appropriate supervisory chain to the Office of Human Resources for inclusion in the employee's personnel file.

i. 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.

ii. 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 complete the appraisal, indicate employee not available to sign, and forward to the Office of Human Resources.

(2) An Employee Performance Appraisal Form (Form E-32) will be completed for each full-time employee once a year. All appraisals and observations shall be kept confidential to the degree possible.

(3) At the beginning of each 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, employability skills,

and performance attributes. The supervisor will consider the employee's input in the process.

- a. The job description shall be reviewed. If changes are needed, the supervisor should submit changes using the Document Control Routing Form (Form D-11).
- b. The supervisor, with input from the employee, will establish employee performance objectives:

At the beginning of the Employee Performance Appraisal Period, the supervisor and employee must write a minimum of three individual performance objectives using the **SMART** objective components outlined in Section 1 of the Employee Performance Appraisal Form (Form E-32). The scope of some positions may require more than three objectives.

Each individual performance objective must be **Specific**, **Measurable**, **Attainable**, **Relevant**, and **Time-bound**.

**Specific:** Objectives must include who, what, when, where, and how they relate to the employee's position and/or institutional goals.

**Measurable:** Objectives must show how they will be measured for success in terms of quantity, quality, cost, etc.

**Attainable:** Objectives must be within the employee's control and influence – make sure they are realistic and reasonable based on their position and daily demands.

**Relevant:** Objectives must show why their expected results are important to the employee's department or to the goals of the institution as a whole.

**Time-bound:** Objectives must include a target date or a deadline for completion, be sure to include the frequency of a specific action and steps needed for achievement of each objective.

All objectives should support College initiatives and institutional goals.

- c. The supervisor, with input from the employee, will mark the employability skills and performance attributes that are most critical to the function of the position.

i. Employability Skills

Section 2 of the Employee Performance Appraisal Form (Form E-32) requires supervisors to assess all six employability skills as each is critical for every position at FTCC. Supervisors should mark the box on the form indicating whether the employee Exceeds Expectations, Meets Expectations, or is Below Expectations for each skill.

Employability Skills are listed on [Appendix A](#), followed by characteristics of employees who demonstrate those individual skills.

ii. Performance Attributes

Section 2 of the Employee Performance Appraisal Form (Form E-32) also requires supervisors to select six or more performance attributes to be assessed and designated as critical to the employee's job duties. Supervisors should mark the box on the form indicating whether the employee Exceeds Expectations, Meets Expectations, or is Below Expectations for each attribute selected as critical.

Performance Attributes definitions are listed on [Appendix B](#).

(4) 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 and discuss the employee's progress on each established performance objective.

(5) At the end of the review period, the employee receives an overall assessment of their performance by their supervisor.

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

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 implemented any time an employee's performance or behavior fails to meet the supervisor's expectations.

Employees on a PIP are ineligible for 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.

- b. Both the supervisor and the employee sign the form and may write comments. Should the evaluated employee refuse to sign, a note will be entered on the signature line by the supervisor indicating the employee refused to sign and the form will be treated as if signed by both the supervisor and the employee. Both the employee and the supervisor retain a copy of the completed, signed appraisal.
- c. Supervisors are responsible for evaluating the performance of their faculty and staff. 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, sex/gender, disability, age, or political affiliation. Evaluated employees who document such illegal considerations in their appraisal process may file such appeal using the employee grievance process prescribed in this manual.

Should an employee disagree with a supervisor's appraisal of their performance, the College will accept a memorandum from the employee with their disagreement and reasons for such disagreement. The memorandum should be submitted through the supervisory chain to the Office of Human Resources and will be permanently attached to the original copy of the appraisal in the employee's personnel file.

- d. The supervisor forwards the completed, original, signed appraisal form through supervisory channels to the Office of Human Resources for inclusion in the employee's personnel file.

### **Special Considerations for Faculty Appraisals**

- Student evaluations will be considered by faculty supervisors when completing the Employee Performance Appraisal.
- Supervisors or designees will conduct at least one classroom observation per year for full-time and part-time faculty using the Faculty Teaching Observation Form (Form F-17).

- Classroom observations may be used to document performance appraisal requirements for part-time faculty instructors in lieu of using the full-time appraisal form; however, supervisors are highly encouraged to use Form E-32 to evaluate part-time employees having a history of consecutive part-time contracts from term to term. Classroom observations used in lieu of a part-time faculty's formal performance appraisal must be sent to Human Resources for inclusion in the part-time instructor's personnel file.

## **VI-11 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 work-related accommodations. The College facilitates an interactive process meeting between supervisors and the employee to determine possible accommodations (if any) that will allow the employee to perform the essential duties of the position without exacerbating the employee's condition or causing undue hardship to the College.

The interactive process is normally facilitated by the Vice President for Human Resources and Institutional Effectiveness (HR/IE) and may include the following participants as needed:

- (1) Employee requesting accommodations
- (2) Immediate supervisor of position and/or others from the supervisory chain
- (3) Personnel Manager
- (4) Vice President for Legal and Administrative Services
- (5) Employee Benefits Specialist
- (6) Other parties at the request of the employee or the immediate supervisor

The employee should submit a request for accommodation(s) to the Office of Human Resources that includes the Individual Disability Disclosure Form (Form D-1) along with documentation from their medical provider supporting the need for an accommodation. As soon as practical (typically within five working days of receiving the request for accommodation), the Office of Human Resources will schedule an interactive process meeting. Meeting participants will discuss possible accommodations, considering both the department's mission and the medical provider's recommendation. Details of the medical condition will be kept as confidential as possible in order to respect the privacy of the employee while allowing members of the group a general understanding of requested accommodations.

Meeting participants will compare the job duties and responsibilities from the employee's job description to the specific work restrictions and/or requested accommodations. If reasonable accommodation(s) are identified which prevent injury or harm to the employee and undue hardship to the department, the accommodation(s) will be implemented as soon as possible.

If no reasonable accommodation(s) can be determined, the employee will be asked to discuss their 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 is encouraged to share their job description, organizational chart, and minutes of the previous meeting(s) with their physician in pursuit of reasonable accommodations. If the physician modifies the work restrictions, another interactive process meeting will be scheduled. Additional meetings may also be necessary to adjust accommodations if the employee's condition improves or declines.

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

## **VI-12 Employment of Relatives**

The College shall not employ two or more persons concurrently who are closely related by blood or marriage in positions which would result in one person of such family relationship supervising another closely related person or having a substantial influence over employment, salary or wages, or other management or personnel actions pertaining to the close relative. "Closely related" is defined to mean mother, father, brother, sister, son, daughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in law, brother-in-law, grandmother, grandfather, grandson, granddaughter, uncle, aunt, nephew, niece, husband, wife, step-parent, step-child, step-brother, step-sister, guardian, or ward. With respect to the concurrent service of closely related persons within the same academic department or other comparable college subdivision of employment, neither relative shall be permitted, either individually or as a member of a committee, to participate in the evaluation of another relative.

# Appendices

## Appendix A

### Employability Skills

Employability Skills are listed below, followed by characteristics of employees who demonstrate those individual skills.

- (1) **Responsibility:** exhibiting individual behaviors that support the goals and objectives of the organization

Support the FTCC mission/purpose, goals, and critical success factors	Maintain professional appearance
Demonstrates a positive and supportive attitude	Accept accountability for actions and decisions
Perform job to best of your abilities	Admit mistakes
Demonstrate initiative	Utilize chain of command
Behave ethically	Challenge authority professionally
Make decisions ethically	Think cost effectively
Follow procedures	Meet deadlines
Maintain a safe and clean work environment	Keep accurate records
Adhere to FTCC attendance policy/work hours	Comply with the College's Code of Ethical Conduct

- (2) **Communication (Verbal):** exchanging ideas and information verbally

Use correct grammar, appropriate vocabulary, and proper etiquette when speaking	Give and receive constructive feedback
Use effective tone, pace, and inflection in verbal exchanges	Negotiate win-win resolutions
Practice active listening	Deliver effective oral presentations
Question effectively	Understand body language
Maintain open lines of communication	Interact rationally with difficult people

- Communication (Written):** exchanging ideas and information in written form via formal writing, e-mail, and presentations

Demonstrate literacy	Present information in visually appealing, understandable formats
Select appropriate format and style for written communications	Understand legal issues related to written communication
Use correct grammar, spelling, and mechanics	Write business-appropriate correspondence (e-mails, letters, memos, etc.)
Organize written presentations effectively	Write legibly
Summarize relevant and pertinent information	

- (3) **Adaptability:** exhibiting flexibility and receptivity to changing technologies, methods, processes, work environments, and organizational structures and practices

Embrace change	Adapt to the environment
Seek learning and growth opportunities	Support new ideas openly
Adjust to physical changes in workplace	Complete a periodic self-assessment
Adjust to changes in work flow	Adapt to changing technologies
Manage multiple assignments	Be aware of global impact on the workplace

- (4) **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	Participate in team planning activities
Commit to team cohesion	Evaluate objectively the ideas of team members to determine options
Shares information and works cooperatively with others	Carry out team assignments in a timely manner
Embrace diversity and individual differences, including cultural, generational, and equitable inclusiveness.	Communicate team results to appropriate individuals
Incorporate creativity.	Evaluate team results

- (5) **Problem Solving:** identifying problems, potential causes, and continuous improvement opportunities

Be proactive in preventing problem occurrences	Interpret data
Define characteristics of situation or problem	Evaluate potential outcomes
Gather essential information	Prioritize best solutions
Determine root cause	Implement best solution(s)
Recognize organizational and personal barriers	Monitor, evaluate, and share results with appropriate individuals
Brainstorm possible solutions	Ensure proper follow up with internal and external customers
Utilize problem solving methods	Know when to seek help
Use appropriate technology	Approach problems as learning opportunities
Establish decision criteria	

- (6) **Information Processing:** finding, using, and sharing information

Determine information required	Ensure accuracy of sources
Identify information resources	Communicate information with appropriate individuals
Gather required information	Document action(s) taken
Modify search as required	Demonstrate mathematical skills appropriate to position
Compile information into appropriate format	Demonstrate basic computer and associated application skills
Understand sensitivity of data	

## Appendix B

### Performance Attributes

- (1) **Classroom Instructional Skills/Knowledge:** Staying current with new information and activities related to academic discipline. Demonstrating professional expertise in assigned subject matter and teaching methodology, including performance-based learning, alternative delivery methods, and instructional technology.
- (2) **Classroom Management:** Maintaining an 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.
- (3) **Classroom Presentation:** Applying appropriate instructional strategies and adequately conveying content. Is flexible in responding to the learning needs of students and adapting lesson plans as needed to facilitate student achievement.
- (4) **College Service:** Participating in and supporting College initiatives and activities. Serving on committees as requested. Attending scheduled meetings.
- (5) **Course Management:** Reviewing and revising assigned course(s) to ensure concepts, content, and learning experiences are current. Assessing assigned course(s) to ensure appropriate evaluation/assessment mechanisms are used to measure subject knowledge and performance. Demonstrating an ongoing review and analysis of course(s) retention and attrition.
- (6) **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.
- (7) **Developing/Mentoring Others:** Planning and supporting the development of individuals, skills, and abilities so they can fulfill current or future job/role responsibilities more effectively.
- (8) **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.
- (9) **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.

- (10) **Initiative:** Starting assignments without prompting and independently contributing ideas and projects. Seeing and acting upon new opportunities.
- (11) **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 the assigned responsibilities.
- (12) **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.
- (13) **Personnel Management/Supervision:** Managing and supervising assigned faculty/staff while consistently adhering to policies and procedures established by the institution. Sensitive and supportive of the College's EEO/Affirmative Action guidelines.
- (14) **Planning/Organization:** Scheduling and planning most efficient use of time in order to accomplish a specific goal. Keeping accurate records.
- (15) **Professional Development:** Participating in faculty/staff development activities on and off campus to improve job skills and knowledge.
- (16) **Program Administration:** Managing program or service area through utilization of available resources, maintaining records, developing schedules, and monitoring progress of established outcomes.
- (17) **Quality and Timeliness of Work:** Demonstrating neatness, thoroughness, and accuracy in completing job assignments in a timely manner.
- (18) **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 to provide accurate information to students. Ensuring advisee records are properly maintained. Establishing contact with advisees on a consistent and systematic basis.
- (19) **Punctuality/Attendance:** Reporting to work on time at the designated work site or obtaining approval from supervisor prior to the beginning of the scheduled shift to include returning from breaks/lunch periods, illness, or in emergency situations.