Fayetteville Technical Community College
EMPLOYMENT AND AFFIRMATIVE ACTION MANUAL

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

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Fayetteville Technical Community College is accredited by the Southern Association of Colleges and Schools Commission on Colleges to award associate degrees, diplomas, and certificates. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of Fayetteville Technical Community College.
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V-1 NON-DISCRIMINATION AND EQUAL OPPORTUNITY POLICY STATEMENT

The Trustees of Fayetteville Technical Community College is committed to providing a non-discriminatory and harassment-free environment for faculty, staff, students, and visitors at the College. Accordingly, it is the policy of the Trustees 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 or gender, including sexual harassment, sexual violence, sexual assault, sexual orientation and/or gender identity, stalking, domestic violence, dating violence, or other forms of intimate partner violence.

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 PROGRAM OBJECTIVES

Fayetteville Technical Community College is committed to the concept of affirmative action to avoid all vestiges of illegal discrimination in its personnel policies, procedures, and actions. 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, 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 Program.

(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, gender, disability, age, or political affiliation except those facilities reserved for use by a single gender.

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

(14) To conduct an ongoing evaluation and review of policies, and procedures and recommend revisions where appropriate.
VI-3 AFFIRMATIVE ACTION RESPONSIBILITIES AND PROCEDURES

VI-3.1 General Information

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

VI-3.1.1 President

The President of Fayetteville Technical Community College is responsible to its
Board of Trustees for the overall development and direction of the College's
Affirmative Action Program (AAP). The President will ensure that all administrators
and supervisory personnel adhere to the 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) The coordination of College’s efforts to investigate complaints of illegal discrimination. To fulfill this responsibility associated with complaints involving Title IX, the Vice President of Human Resources and Institutional Effectiveness may appoint Title Deputy IX Coordinators, as needed, to ensure timely, fair, and impartial resolution of Title IX complaints.

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

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

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

(10) 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 minority newspapers.
2. Sending employment opportunities to colleges and universities with predominately minority and female enrollment, as well as usual recruitment sources.
3. Advertising employment opportunities in trade journals, if appropriate for job.
4. Notifying the NC Department of Commerce of job vacancies for posting with the NCWorks Centers across the State of NC.
5. Linking employment opportunities to NCCCS employment websites.
6. Emailing employment opportunities campus wide.
7. Posting employment opportunities on the FTCC website.

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

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

All requests for advertisements of position vacancies will be forwarded to the Vice President for HR/IE for review and action.
The phrase "An Equal Opportunity Employer" will be reflected on all position vacancy announcements. These will include publications, journals, institutions, and other agencies having access or appeal to minority and women applicants.

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

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

Except in cases of occasional upward mobility approved by the President, Fayetteville Technical Community College will link all position vacancy announcements to the North Carolina Community College System Office employment website and to other publications as warranted to obtain a diverse and qualified pool of applicants. The President delegates authority to the VP for HR/IE to approve internal-only vacancy postings only when the VP for HR/IE reasonably determines the internal-only posting to be in the best interest of the college.

The hiring manager selects interview panel members, conducts application reviews, and schedules interviews. After a candidate selection has been made by the interview panel, the hiring manager submits the recommendation for employment through their supervisory chain to the appropriate Senior Vice President or Vice President. The appropriate Vice President will forward the hiring packet to the Vice President for HR/IE for initiation of a criminal background check and packet review for completeness, prior to further processing. The hiring packet is then forwarded to the Senior Vice President of Business & Finance for consideration. The Senior Vice President of Business & Finance will forward the hiring packet to the President for final approval.

The President delegates approval authority to the VP for HR/IE for:

(1) Hiring of part-time employees.

(2) Approval to re-advertise vacancies if there are no applicants or interviewees are selected for employment.
VI-3.3.2 Applicant Selective Service Registration Status

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

VI-3.3.3 Application Forms

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

VI-3.3.4 Promotion, Advancement, and Transfer

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

Except in limited cases of upward mobility approved by the President, position openings will continue to be made known on a College-wide basis so that any qualified employee may apply. Those employee applicants who have the requisite experience, training, aptitude, record of performance, developmental potential, and personal qualities will receive priority consideration. There may be a need, however, to broaden the field of applicants, in which case the position will be advertised on the open market with all qualified applicants receiving equal consideration. Candidates will be judged on the basis of individual ability, qualifications, and the needs of the College without regard to any of the factors cited above.

A report of all promotion, advancement, and transfer actions will be electronically created as they occur within the PeopleAdmin System. Form E-3 must be completed with a memo attached stating the reason for any new position title and sent through the appropriate supervisory chain to the VP for HR/IE prior to advertising the position.
VI-3.3.5 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, gender, disability, age, or political affiliation. When supplements are authorized, they will also be provided on the basis of qualifications without regard to the above factors. No employee has an expectation of continued employment beyond the term specified in their employment contract. The President retains, for himself or herself, the right to decide whether to issue or not issue additional contracts covering periods after the expiration of any FTCC employee’s contract. The employee’s race, color, national origin, religion, sex/gender, age, disability, and 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 working 30 or more hours per week shall receive a pro-rata share of the benefits described in the Administrative Procedures Manual. A Part-time Temporary Employee who works less than 30 hours per week shall receive none of the benefits described in the Administrative Procedures Manual. Part-time Temporary Employees have no right to continued employment for any period of time except that stated in the employee’s contract, if any.
VI-4.2 Veteran’s Policy

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

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

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

VI-4.3 Employment Application Procedures

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

2. Part-time instructor applications received when no job vacancy has been posted should be submitted via the part-time applicant pool. The applicant pool will be available to Hiring Managers through the PeopleAdmin® system.

VI-4.4 Hiring Procedures for Full-Time Employment

1. All position vacancy postings must be submitted through the supervisory chain up to the appropriate Vice President, in the PeopleAdmin® system. If the posting(s) is approved by the Vice President, it is moved electronically to the Senior Vice President for Business and Finance and then to the President for his or her approval prior to releasing the vacancy announcement for the position. Vacancy postings will be placed in multiple locations to generate an applicant pool for consideration of the hiring manager after the vacancy posting's closing date. In isolated situations, following approval by the President, vacancy postings may be released as “open until filled” in lieu of a definitive closing date.
All applications for positions advertised with a closing date, will be held in HR queue inside the PeopleAdmin© system until the posted closing date. The hiring manager then logs in to review applications and begin selection of candidates for an interview.

Prior to interviewing candidates, an Interview Approval Form (I-3) will be electronically forwarded to the Vice President for HR/IE for approval of the interview panel. All members of the interview panel must be DDI trained and identified on the I-3 form. An Employment Application Evaluation Form (Form E-6) will be submitted to the division Senior Vice President, Vice President, or Executive Director for concurrence or nonconcurrence of candidates selected for interviews.

During the interview process, a FTCC DDI Interview Guide, (Form I-12) must be completed for each applicant interviewed by the panel members, that include the panel's consensus scores. A DDI Consensus Sheet (Form I-13) must be completed by the Interview Panel Chairperson recording results from the Form I-12.

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

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

After conducting interviews and selecting a candidate for further consideration, a recommendation to hire packet should be prepared that includes:

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

b. Educational Degree and Work Experience Evaluation (Form E-26) (Faculty Only).
c. Full-Time Credentials Verification Form (Faculty Only).

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

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

f. Approved Employment Application Evaluation Form (Form E-6) signed by Senior Vice President, Vice President, or Executive Director.

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

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

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

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

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

(8) The employment packet must be forwarded through the supervisory chain to the Human Resources office where a criminal background check will be initiated and results received before the employment packet is processed further. An exception to a criminal background check is available if FTCC completed a background check acceptable to FTCC less than 12 months prior to the anticipated hire date for the new position. The Vice President for HR/IE will verify the packet includes all required documents, and completion of criminal background check, and forward the packet to the Senior Vice for Business and Finance to approve the salary. The packet is then forwarded to the President for final approval and signature. Employment referrals not meeting all minimum position requirements at the time of employment must be justified by memorandum from the appropriate Vice President or Senior Vice President to the President. The memorandum will specify additional requirements and specific actions to be taken by the new hire within a specified period as a condition of continued employment. For faculty, in exceptional cases, outstanding professional experience and demonstrated contributions to the teaching discipline may be presented in a portfolio in lieu of formal academic preparation. A Faculty Credential Alternative Qualification Summary Sheet (Form F-14) must be included in the hiring packet. For Staff, in exceptional cases, outstanding professional experience and demonstrated competence may substitute for academic preparation with a memorandum from the supervisory chain. The appropriate Senior Vice President or 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 the College cannot wait for the completed background check to be received. Such conditional hires pending receipt of the completed background check will be included with the initial offer for employment. The employee must verbally acknowledge their understanding that continued employment is conditional on receipt of an acceptable background check when making their acceptance to the conditional offer. NO PROMISE OR COMMITMENT WILL BE MADE TO THE APPLICANT UNTIL FINAL APPROVAL IS RECEIVED FROM BY THE PRESIDENT.

(9) AFTER FINAL APPROVAL FROM THE PRESIDENT, the Human Resources Office will notify the appropriate supervisor with the approved starting date and approved starting salary and, if necessary, any conditions of employment, such as receipt of an acceptable positive background check or degree completion within a specified period time after the hiring date. The supervisor will contact the applicant for acceptance of the offer and/or conditions of employment and report back to HR the applicant’s decision.

(10) On the first day of employment the Human Resources Office will conduct in-processing of full-time employees. Hiring dates should normally be on the 1st or 15th of the month following the President’s approval to hire with any exceptions to hiring dates being approved by the VP for HR/IE.

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

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

a. Updates employment opportunity link or NCCCS employment website.

b. Announces advertisement of vacancies broadly after vacancy announcement is approved by the President.

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

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

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

(2) The President:

a. Receives packet of qualified applicants from the Vice President for HR/IE.
b. Conducts interviews, requests the VP for HR/IE obtain a criminal background check, and makes selection. In situations where an offer is being made pending receipt of the completed background check, such offer will be made conditionally upon the later receipt of a positive background check. Neither a job offer nor a commitment of job is offered until the Board of Trustees' Human Resource Committee has been informed of the selected candidate.

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

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

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

2. Employee Application, resume, and copies of transcripts.

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

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

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

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

7. Validation Committee Action Form (Form V-4).
8. Criminal Background check conducted by the Human Resources Office or a memorandum recommending conditional job offer pending receipt of a positive background check.

(3) The Vice President for HR/IE:

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

b. Provides access to employment packet to members of the Validation Committee.

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

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

1. Job qualifications

2. References

3. Affirmative Action Guidelines

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

(5) President/Board of Trustees Human Resources Committee:

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

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

c. After final acceptance from the Board of Trustees Human Resources Committee, the applicant is notified that he or she has been approved for the position or conditionally approved pending receipt of a positive background check.

d. The Human Resources Office sends an email message (or letter) to non-selected applicants stating the position has been filled. The VP of HR also provides advanced telephonic non-selection notification to all applicants that interviewed for the position and were not selected.
VI-4.6 Hiring Procedures for Part-Time Employment

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

(2) Part-time faculty may be advertised through the same process as part-time staff or applicants may be selected through the program’s/department’s PeopleAdmin© applicant pool (application files for future positions that may or may not become available).

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

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

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

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

(7) After conducting interviews and selecting a candidate for further hiring consideration, the hiring manager will forward the application packet to the appropriate Vice President/Senior Vice President for approval to hire. NO PROMISE OR COMMITMENT TO EMPLOY SHALL BE MADE TO THE
APPLICANT UNTIL, THE HUMAN RESOURCES OFFICE HAS OBTAINED A CRIMINAL BACKGROUND CHECK AND THE APPLICANT IS APPROVED FOR HIRE BY THE VP FOR HR. APPROVAL WILL BE SENT FROM HUMAN RESOURCES OFFICE. After approval, the applicant may be contacted and an employment date established. In isolated situations where a part-time position must be filled immediately, the VP for HR is granted authority by the President to conditionally approve an applicant for hire before receipt of an acceptable background check. Should such background check be unacceptable, the employee may be released from part-time employment after obtaining approval by the President.

Part-time employees that work seasonally (i.e. only once or twice a year with small breaks in part-time employment), may be rehired without completion of a new hiring packet and/or criminal background check provided (a) the HR Office has the original hiring packet on file that can be re-activated and (b) such employment break was less than 12 months since the ending date of their last part-time employment and (c) the previous criminal background check was completed within 12 months of the anticipated start date for rehire.

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

<table>
<thead>
<tr>
<th>Packet Contents</th>
<th>Curriculum (Faculty)</th>
<th>Cont. Ed. (Faculty)</th>
<th>Staff (Cont. Ed.)</th>
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</thead>
<tbody>
<tr>
<td>Part-Time/Temporary Employment (E-4)</td>
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</tr>
<tr>
<td>Part-Time Temporary Employment Agreement (Contract)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Faculty Credentials Sheet</td>
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<td></td>
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</tr>
<tr>
<td>FTCC Application</td>
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<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Transcripts (As Required)/Documentation of Training and Experience</td>
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<td>Y</td>
<td>Y</td>
</tr>
<tr>
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</tr>
<tr>
<td>Interview Question/Target Rating Consensus Sheet (Form I-13)</td>
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<td>Y</td>
</tr>
<tr>
<td>FTCC Interview Guide (I-12)</td>
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<td>FTCC Interview Guide Supplement (I-14)</td>
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<tr>
<td>Continuing Education Personnel Approval Form (Form P-15)</td>
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VI-4.7 Guidelines for Hiring Retired/Returning Faculty/Staff

The following guidelines govern approval of contracts for retiring faculty/staff who wish to return to teaching or serve in an administrative role must wait until a date after the state mandated six months 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 retiring/returning faculty/staff.**

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

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

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

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

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

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

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

These guidelines do not apply to retired faculty/staff members hired prior to July 1, 2007.
VI-5 DISCIPLINE AND INVOLUNTARY TERMINATION

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

VI-5.1 Absenteeism and Tardiness

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

VI-5.2 Disciplinary and/or Corrective Action

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

Disciplinary or corrective action may include informal oral or written counseling, formal verbal or written counseling/admonitions, performance improvement plans, probation, suspension with or without pay, or termination of service, dependent upon the nature and seriousness of the employee’s actions or inactions. Personal and private counseling of an employee on his or her job performance, either as a routine matter or as a corrective
measure, is a normal function and responsibility of the employee’s immediate supervisor. Following counseling, supervisors are expected to document, in writing, the major points discussed during the performance counseling discussions and retain a copy of the documentation. If a Performance Improvement Plan (P-24) is used, supervisors must forward the original copy to HR for inclusion in the personnel file and retain a copy in the department files. When an employee's actions warrant, he or she may be admonished, either verbally or in writing, by the immediate supervisor. Written admonitions must be approved (initialed) by the appropriate Senior Vice President or Vice President prior to inclusion in the employee's personnel record. For serious violations of College policy, or for job performance failures, or for other reasons defined in College policies, a supervisor may recommend to the College President that an employee be placed on probation, suspended, or terminated. This recommendation, with supporting documentation, such as previous performance counseling memoranda, previous performance improvement plans, previous performance appraisals, etc., must be submitted through administrative channels through the VP 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 ninety (90) days. All efforts will be made to resolve the matter within 90 days. However, the College reserves the right to extend the suspension period with 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.

VI-5.3 Probation, Suspension or Termination

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

There is no tenure system at Fayetteville Technical Community College; however, any contract employee who presents a prima facie case that his or her Constitutional rights have been violated in 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 Grounds for Probation, Suspension, or Termination

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

VI-5.3.1.1 Notice of Proposed Suspension or Termination

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

VI-5.3.1.2 Notice and Request for Hearing

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

VI-5.3.1.3 Hearing

If an employee is not satisfied with the President’s decision, they may request a hearing before an 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 ten (10) working days of receipt of the request.

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

VI-5.3.1.4 Recommendation of the Ad Hoc Committee

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

VI-5.3.1.5 Decision of the President

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

VI-5.3.1.6 Appeal to the Board of Trustees

Following the President's action on the ad hoc Committee’s recommendation, a contract employee may file a written appeal within ten (10) calendar days to the Board of Trustees. The Board of Trustees may review the matter in full, or may delegate the duty to review such appeal to an ad hoc committee of at least three (3) Trustees. The Board of Trustees will consider the evidence previously assembled including the information adduced at the hearing, the Committee's recommendation, the decision of the President, information in the appeal, and any other relevant evidence. The contract employee has no right to appear and present additional testimony or evidence in person to the Board or any committee thereof. Should the Board of Trustees need clarification, the Board may obtain in-person testimony from the appropriate parties. However, if in-person testimony is received by the Board of Trustees, the appealing employee shall have a right to provide oral testimony. The Board of Trustees will render a final decision on the matter within forty-five (45) calendar days of receipt of the contract employee's appeal. No additional administrative remedy shall be granted after a decision is made by the Board or its ad hoc Committee.
VI-6 POLITICAL ACTIVITIES OF EMPLOYEES

VI-6.1 Definitions

The following terms have the meanings indicated:

(1) "Employee" means 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" means The Trustees of Fayetteville Technical Community College.

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

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

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

VI-6.2 Policy

It is the policy of the 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, or serving as a member of the General Assembly, or soliciting support for political candidates and activities during regular work hours may not only interfere with the responsibilities of employees to FTCC but also may derogate from the responsibility to provide the best possible education to its students. This policy is, therefore, in an attempt to define reasonable constraints for such employees engaging or proposing to engage in such political activities that this policy is formulated.
VI-6.3 Procedures

(1) Any employee of FTCC who formally becomes a candidate for election shall submit written notification of their candidacy 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. Employees shall submit such written notification to the Board through the President of FTCC.

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

(3) Any employee who becomes a candidate for public office 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 for itself to implement this policy in order to ensure the college’s ability to fulfill its mission to the fullest extent possible during a financial crisis. Whenever it is necessary to implement this policy, the implementation will be accomplished without regard to race, color, nationality, religion, age, sex, disability, or political affiliation of any employee.

VI-7.1.1 Declaration of a Financial Crisis

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

VI-7.1.2 Reduction in Force

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

VI-7.1.3 Notice of Termination to Individual Employees

The President shall provide written notice to the employee(s) whose employment is being severed pursuant to this policy. The notice shall either be hand delivered to the employee(s) or delivered by registered or certified mail. If hand delivered, the employee shall be given opportunity to remove their personal belongings from their work station at that time. If the notice is delivered by registered or certified mail, the employee(s) shall schedule an appointment with their supervisor to remove their personal belongings from their work station. Decisions to terminate employment pursuant to these provisions will not be the result of discriminatory action against an employee based upon his/her race, national origin, color, religion, gender, disability, age, or political affiliation.
VI-7.1.4 Employee Rights Upon Termination

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 6 hours per day for the 40 working days immediately prior to the issuance of “Notice of Termination” described above.

a. **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.

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

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

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

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

VI-7.1.5 Review of Individual Terminations

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

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 the employment of any College employee. If the employee has an employment contract with the College, the President is authorized to unilaterally amend the contract and such unilateral amendment shall be binding on both the College and employee upon five days written notice to the employee. The authorization to unilaterally alter the terms and/or conditions of employment and the employment contract, if any, includes but is not limited to the authorization to furlough an employee, withhold pay for the period of any such furlough, and the authorization to reduce or eliminate any employee benefit when the benefit is not required by law.
VI-8 EMPLOYEE GRIEVANCES AND APPEALS

VI-8.1 Definition

Grievance: FTCC expects employees to work together collegially and with mutual respect. Occasionally, differences of opinion may occur. Minor differences are to be resolved at the lowest level possible. The grievance process is designed to resolve 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. If the alleged discrimination involves gender (including sexual harassment), Title IX procedures may apply (See section VI-9 of this manual).

Disclaimers: The employee grievance process is not designed and shall not be used to dispute a performance counseling, performance improvement plan, performance appraisal evaluation, probation, suspension, termination, or for claims concerning allegations of illegal discrimination to include sexual harassment/violence. Claims concerning a probation, suspension or termination will be considered under provisions of VI-5 Discipline and Involuntary Termination. Claims concerning sexual harassment/violence should be presented directly to the VP for HR/IE, who is designated as the College’s Affirmative Action Officer/Title IX Coordinator. Should the VP for HR/IE or a member of his/her staff be a party to the claim, the allegations will be presented to the VP for Administrative Services to investigate the Title IX allegation.

VI-8.2 Policy- Employee Grievances and Appeals

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

VI-8.3 Procedures

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

Step 2: If the employee is not satisfied with the Step 1 decision, the employee must present their written grievance or concern to their immediate supervisor within thirty (30) calendar days of the incident giving rise to the grievance. Should the grievance or concern be against their immediate supervisor, the employee must present the written grievance to the supervisor’s immediate supervisor. The employee and their supervisor(s) will meet within three (3) working days following the presentation of the grievance to discuss the grievance concerns, and to attempt informal resolution. The supervisor(s)
will provide a written decision on the informal grievance not later than ten (10) working days following this meeting. Except in cases of illegal discrimination, including sexual harassment/violence, employees must use their supervisory chain to attempt resolution at the lowest level possible.

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

Step 4: If the employee is not satisfied with Step 3 decision, the employee may, within five (5) working days of their receipt of the Step 3 decision, submit an appeal of the former resolution decision in writing to the appropriate Senior Vice President or Vice President within the table of organization of FTCC. The employee shall attach the Step 2 and 3 written complaints/appeals and the supervisor’s written responses to the Step 2 and 3 appeals and specifically address what portions of the previous responses are being submitted for further consideration with reasons supporting a Step 4 appeal. If the (Senior) Vice President determines that a meeting to discuss the grievance is appropriate, notification of such meeting will be given to the employee and any other appropriate personnel. Such meeting will be held as soon as reasonably possible but in most circumstances within five (5) working days of receipt of the grievance. Following the meeting, the (Senior) Vice President will render a written decision as soon as reasonably possible but in most circumstances within five (5) working days. Should the (Senior) Vice President feel they can make a fair and impartial decision without a meeting, basing their decision on the appeal by review of the documentation submitted in the appeal packet, and/or from discussions with the supervisory chain, the (Senior) Vice President will render a written decision as soon as reasonably possible but in most circumstances within ten (10) working days of receipt of the grievance. This decision may be provided to the appellant either by U.S. Postal Mail or via FTCC email and a copy of the decision and previous appeal documentation will be retained in the (Senior) Vice President’s office.
Step 5: If the employee is not satisfied with Step 4 decision, he or she may, within ten (10) working days, appeal the Senior Vice President or Vice Presidents decision in writing through the VP for HR/IE to the President. The employee shall attach the Step 2, 3, and 4 written complaints/appeal responses and specifically address what portions of the previous responses are being submitted for further consideration with reasons supporting an appeal at Step 5. If the President determines that a meeting to discuss the appeal is appropriate, notification of such meeting will be given to the employee and any other appropriate personnel. Such meeting will be held as soon as reasonably possible but in most circumstances within ten (10) working days of the President’s receipt of the Step 5 appeal. Following the meeting, the President will render a final binding written decision as soon as reasonably possible but in most circumstances within ten (10) working days. If no meeting is necessary based upon a review of the documents associated with the appeal packet, the President will render a written decision as soon as reasonably possible but in most circumstances within (20) working days of receipt of the grievance. The President’s final and binding decision will be provided to the appellant either by U.S. Postal Mail or via FTCC email and a copy of the President’s final decision and all previous appeals and decisions will be maintained in the Human Resources Office.
VI-9 SEXUAL HARASSMENT/VIOLENCE PREVENTION (Title IX Processes)

See Paragraph VI-1 of this manual for the Board of Trustee 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:

- Vice President for HR/IE to serve as the Institution’s Title IX Coordinator.
- Personnel Manager to serve as the Institution’s Deputy Title IX Coordinator for employees.
- Associate Vice President for Student Services to serve as Deputy Title IX Coordinator for curriculum students.
- Associate Vice President for Corporate and Continuing Education to serve as Deputy Title IX Coordinator for corporate and continuing education students.
- 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.
- Director of Intercollegiate Athletics to serve as Deputy Title IX Coordinator for student athletes.
- Director of Public Safety and Security to serve as Title IX Investigator.
• 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-3 (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:

• 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;

• That the resolution of the complaint may be obtained through a voluntary and informal resolution process which complies with 34 CFR 106;

• 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;

• A statement that the Respondent is presumed not responsible for the alleged conduct;

• Notice that presumption may end only at the conclusion of the process described in this Sexual Harassment / Violence Prevention Policy;

• 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;

• 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;

• 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;

• A reminder that the Complainant and Respondent are prohibited from making false statements or submitting false information to the College; and,

• 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.

• 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 proposed 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

- 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;
- Provide each party an equal opportunity to identify witnesses – such as fact or expert witnesses - to the Investigator(s);
- Provide each party with an equal opportunity to share with Investigator(s) evidence, whether of an inculpatory or exculpatory nature;
- Fully investigate the allegations of a violation of the Title IX, including exploration of evidence, if any, provided by the Complainant and Respondent;

- 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;

- All interviews will be recorded and the interviewee will be told the interview is being recorded;
  - Allow the Complainant and Respondent to discuss the allegations with others, but Investigators may request that information be held in confidence;
  - 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;
  - 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;
  - 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;
  - 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,
  - 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:

- 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.

- 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.

- 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.

- If a party or witness does not submit to cross-examination at the live hearing, the Hearing Officer must not rely on any statement of that party or witness in reaching a determination regarding responsibility. However, that the Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a party’s or witness’s absence from the live hearing or refusal to answer cross-examination or other questions.

  - 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.

- 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.

- 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:

- A list of all allegations within the complaint that potentially constitute sexual harassment as defined in this policy;

- A general description of each step taken from the time the complaint was received and through the completion of the hearing;

- Findings of fact;

- Discussion of the College’s policy and how the findings of facts support the determination in light of the College’s policy;

- A statement of the result of as to each allegation and the rationale for each result;
• 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,

• 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:

• **For College Employees:** informal counseling, formal Performance Improvement Plans, probation, suspension (with or without pay), and/or termination.

• **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:

- Procedural irregularity that affected the outcome of the matter;
- 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,
- 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 is any other form of sexual activity. Previous relationships or prior consent cannot imply consent to future sex acts. Consent can be withdrawn at any time. Consent may not be granted by a person known to be, or by one who should be known to be, mentally or physically incapacitated. It should be recognized that the lack of protest or resistance is not, in and of itself, consent and persons who are asleep, unconscious, or unable to communicate due to a mental or physical condition are not capable of granting consent.
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 the 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:

- On any campus or property controlled by FTCC, including leased facilities; or,
• 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:

• 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.

• 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.

• Complaints alleging retaliation may be filed according to the College’s grievance procedures for a prompt and equitable review of those allegations.

• 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

- 34 CFR 106
- Title VI and VII of the Civil Rights Act of 1964 and 1991
- Title IX of the Education Amendments of 1972
- Clery Act
- Violence against Women Act
- Sections 799A and 845 of the Public Health Service Act
- Equal Pay Act of 1963
- Age Discrimination Act of 1967 and later amendments
- Vocational and Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990
- Family and Medical Leave Act of 1993
VI-10 STUDENT GRIEVANCE POLICY AND PROCEDURES

VI-10.1 Policy

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

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

VI-10.2 Academic Appeals

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

VI-10.3 Illegal Discrimination Complaints

Complaints alleging illegal discrimination, except those involving Sexual Harassment/Violence, shall be filed under this grievance policy. Those wishing to submit their complaint in person should do so by contacting the appropriate Dean, Director, or Associate Vice President to schedule an appointment.

VI-10.4 Grievance Procedures and Appeals (Students)

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

Step 1: Conference meeting with the Dean, Director or appropriate Associate Vice President who will actively participate in the inquiry or investigation and ensure minutes of the conference session are recorded electronically or transcribed into a written format. The decision by the Dean, Director and/or Vice President will be provided in writing to the complainant and respondent.

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

**Step 3:** If either party is dissatisfied with the Senior Vice President’s (or Vice President’s) final resolution decision, he/she may submit a written appeal, within 10 days of their notification of the decision. The appeal should be addressed to the College President requesting reconsideration of both the Dean/Associate Vice President’s finding(s) and the previous appeal findings from the appropriate (Senior Vice President). The President may consider the evidence adduced during the previous inquiries and/or investigations, the decision(s) of the Senior Vice President (Vice President), and any other relevant evidence. The appellant may be asked to appear and present additional testimony or evidence in person to the President (at his/her discretion). Should the President seek additional information from any party, all parties shall have a right to provide oral testimony. The President will render a final decision on the matter within 20 days of receipt of the appeal. No additional administrative remedy shall be granted after a decision is made by the President.
VI-11 PERFORMANCE APPRAISAL PROCEDURES

VI-11.1 Purpose

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

VI-11.2 Professional Development

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, and full-time staff are required to complete 12 hours of professional development annually. Part-time faculty and staff are encouraged to attend professional development sessions as their work schedules permit. The College offers online professional development opportunities for those who work at distant locations or have schedule conflicts preventing attendance at face-to-face sessions. Attendance and/or credit for any professional development session is approved/disapproved by the immediate supervisor. Employees are responsible for tracking his/her own professional development hours using the Employee Professional Development Form P-14 and attaching it to their Form E-32. The supervisor and the employee should review the Form P-14 during the closeout of the performance appraisal and ensure it is attached to the Employee Performance Appraisal Form E-32.

Professional development activities are defined as:

- Attending professional development sessions sponsored by the College
- Preparing and presenting professional development sessions at the College
- Continuing education related to one's career field
- Pursuing advanced degrees that support the mission of the College
- Attending any training related to their career field
- Attending or presenting at conferences, seminars, webinars, and workshops
- Holding memberships and/or offices in professional/academic organizations
- Preparing articles and/or books for publication
VI-11.3 Procedure

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

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

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

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

      1. Three or more objectives will be established using Fill-in Form E-32.

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

      3. All objectives should support College initiatives and institutional goals.

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

3. During the review period:

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

   b. The employee and his/her supervisor should review the employee’s
4. At the end of the review period, the employee receives an overall assessment on their performance.
   
a. The employee may evaluate their own job performance and provide a copy to their supervisor for consideration in the performance appraisal.

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

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

d. The supervisor conducts an appraisal review with the employee. Both the supervisor and the employee sign the form and may write comments. Should the evaluated employee refuse to sign, in lieu of the employee’s signature, 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.

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

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

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

6. **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.

7. **Exiting Employees prior to appraisal end date**: Full-time employees who separate from employment with the College will receive an end-of-service written performance appraisal if more than ninety days (90) have elapsed since their last appraisal.
a. The employee’s supervisor will make all reasonable attempts to conduct a performance appraisal with the employee prior to the employee’s last working day.

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

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

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

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

11. Ninety-days (90) from hire date, a formal written performance appraisal will be conducted near the end of the ninety-day (90) probationary period for all new full-time employees. Supervisors are always responsible for the continuous appraisal of employees’ performance, especially during the first year of employment.
12. Supervisors or designees will conduct at least one classroom observation, and at least one students’ evaluation of each instructor for all part-time faculty each year.

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

14. All appraisals and observations shall be kept confidential to the degree possible.

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

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

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

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

VI-11.4 Addendum to Performance Appraisals

Supervisors are responsible for evaluating the performance of their faculty and staff and therefore such appraisals of performance are normally not subject to an appeal, except if such appeal is based upon allegations of improper consideration of the employee’s race, national origin, color, religion, gender, disability, age, or political affiliation. Evaluated employees who document such illegal considerations in their appraisal process may file such appeal using the 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 agreement. The memorandum should be submitted to the supervisor’s immediate supervisor and will be permanently attached to the original copy of the appraisal in the personnel file.
## VI-11.5 Definitions for Performance Dimensions

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

### Employability Skills

| Responsibility - Exhibiting individual behaviors that support the goals and objectives of the organization | Support the FTCC mission/purpose, goals and critical success factors  
Demonstrates a positive and supportive attitude  
Perform job to best of your abilities  
Demonstrate initiative  
Behave ethically  
Make decisions ethically  
Follow procedures  
Maintain a safe and clean work environment  
Adhere to company attendance policy/work hours  
Maintain professional appearance  
Accept accountability for actions and decisions  
Admit mistakes  
Utilize chain of command  
Challenge authority professionally  
Think cost effectively  
Meet deadlines  
Keep accurate records |
| --- | --- |
| Communication (Oral) - Exchanging ideas and information in oral, written, or visual form | Use correct grammar, appropriate vocabulary and proper etiquette face-to-face or on the telephone  
Use effective tone, pace and inflection in verbal exchanges  
Practice active listening  
Question effectively  
Maintain open communication  
Give and receive constructive feedback  
Negotiate win-win resolutions  
Deliver effective oral presentations(s)  
Understand body language  
Interact rationally with difficult people |
| Communication (Written) – Exchanging ideas and information in oral, written, or visual form | Demonstrate literacy  
Select appropriate format and style for written communications  
Use correct grammar, spelling, mechanics  
Organize written presentations effectively  
Summarize relevant and pertinent information  
Present information in visually appealing, understandable format  
Understand legal issues related to written communication  
Write business-appropriate correspondence (e-mails, letters, memos, etc.)  
Write legibly |
| Adaptability - Exhibiting flexibility and receptivity to changing technologies, methods, processes, work environments, and organizational structures and practices | Embrace change  
Seek learning and growth opportunities  
Adjust to physical changes in workplace  
Adjust to changes in work flow  
Manage multiple assignments  
Adapt to the environment  
Support new ideas openly  
Complete a periodic self-assessment  
Adapt to changing technologies  
Be aware of global impact on the workplace |
| Teamwork - Working cooperatively with others to analyze a situation, establish priorities, and apply resources for | Understand the importance of teamwork  
Commit to team cohesion  
Shares information and works cooperatively with others |
| solving a problem or accomplishing a task | Embrace individual differences, including cultural, generational and global (diversity)  
| | Incorporate creativity  
| | Participate in team planning activities  
| | Evaluate objectively the ideas of team members to determine option(s)  
| | Carry out team assignments in a timely manner  
| | Communicate team results to appropriate people  
| | Evaluate team results  
| Problem Solving - Identifying problems, potential causes, and continuous improvement opportunities | Be proactive in preventing problem occurrences  
| | Define characteristics of situation or problem  
| | Gather essential information  
| | Determine root cause  
| | Recognize organizational and personal barriers  
| | Brainstorm possible solutions  
| | Utilize problem solving methods  
| | Use appropriate technology  
| | Establish decision criteria  
| | Interpret data  
| | Evaluate potential outcomes  
| | Prioritize best solutions  
| | Implement best solution(s)  
| | Monitor, evaluate, and share results with appropriate individuals  
| | Ensure proper follow up with internal and external customers  
| | Know when to seek help  
| | Approach problem as a learning opportunity  
| Information Processing – Finding, using, and sharing information | Determine information required  
| | Identify information resources  
| | Gather required information  
| | Modify search as required  
| | Compile information into appropriate format  
| | Understand sensitivity of data  
| | Ensure accuracy of sources  
| | Communicate with appropriate people  
| | Document action(s) taken  
| | Demonstrate math skills appropriate to workplace  
| | Demonstrate basic computer and associated application skills |
### VI-11.6 Definitions for Performance Attributes

<table>
<thead>
<tr>
<th>Category</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Classroom Instructional Skills/Knowledge</strong></td>
<td>Staying current with new information and activities related to discipline. Demonstrating professional expertise in assigned subject matter and teaching methodology, including performance-based learning, alternative delivery methods, and instructional technology.</td>
</tr>
<tr>
<td><strong>Classroom Management</strong></td>
<td>Maintaining appropriate environment for learning. Using class time effectively. Conveying enthusiastic attitude toward subject and encouraging student participation in class. Presenting current concepts and skills in courses and updating syllabi as needed.</td>
</tr>
<tr>
<td><strong>Classroom Presentation</strong></td>
<td>Applying appropriate instructional strategies and adequately conveys content. Is flexible in responding to the learning needs of students and adapting lesson plans as needed to facilitate student achievement.</td>
</tr>
<tr>
<td><strong>College Service</strong></td>
<td>Participating in and supporting college initiatives and activities. Serving on committees as requested. Attending scheduled meetings.</td>
</tr>
<tr>
<td><strong>Course Management</strong></td>
<td>Reviewing and revising assigned course (s) to ensure current concepts, content, and learning experiences are current. Assessing assigned course (s) to ensure appropriate evaluation mechanisms are used to measure subject knowledge and performance. Demonstrating an ongoing review and analysis of course (s) retention and attrition.</td>
</tr>
<tr>
<td><strong>Customer Service</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Developing/Mentoring Others:</strong></td>
<td>Planning and supporting the development of individuals, skills and abilities so that they can fill current or future job/role responsibilities more effectively.</td>
</tr>
<tr>
<td><strong>Employee Development</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Facility, Equipment and Supply Management</strong></td>
<td>Developing and managing budgets based on objectives of the unit in order to identify and utilize resources to provide successful outcomes.</td>
</tr>
<tr>
<td><strong>Initiative</strong></td>
<td>Starting assignments without prompting and independently contributing ideas and projects. Seeing and acting upon new opportunities.</td>
</tr>
<tr>
<td><strong>Job Skills/Knowledge</strong></td>
<td>Possessing the knowledge and job skills for the specific area of responsibility assigned. Demonstrating an understanding of the administrative and management procedures related to assigned responsibilities.</td>
</tr>
<tr>
<td><strong>Leadership</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Personnel Management / Supervision</strong></td>
<td>Managing and supervising assigned staff while consistently adhering to policies and procedures established by the institution. Is sensitive and supportive of the college’s EEO/Affirmative Action guidelines.</td>
</tr>
<tr>
<td><strong>Planning/Organization</strong></td>
<td>Scheduling and planning most efficient use of time in order to accomplish a specific goal. Keeping accurate records.</td>
</tr>
<tr>
<td><strong>Professional Development</strong></td>
<td>Participating in staff development activities on and off campus to learn new ways to improve job skills and knowledge.</td>
</tr>
<tr>
<td><strong>Program Administration</strong></td>
<td>Managing program or service area through utilization of available resources, maintaining records, developing schedules and monitoring progress of established outcomes.</td>
</tr>
<tr>
<td><strong>Quality of Work</strong></td>
<td>Demonstrating neatness, thoroughness and accuracy in completing job assignments.</td>
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<tr>
<td><strong>Student Advisement</strong></td>
<td>Demonstrating a professional, student-oriented customer service attitude toward all students. Listening to student concerns, asking appropriate questions, providing program of study recommendations, and making applicable referrals. Maintaining currency in College policies in order to provide knowledgeable information to students. Ensuring advisee records are current and accurate. Maintaining contact with advisees on a consistent and systematic basis.</td>
</tr>
<tr>
<td><strong>Timeliness of Work</strong></td>
<td>Reporting to work on time at the designated workplace as prescribed by the supervisor or making contact with the supervisor prior to the beginning of the schedules shift if unable to arrive on time, be out sick, or an emergency situation arises. Completing assignments within established deadlines.</td>
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</table>
IV-12 DISABILITY AND REASONABLE ACCOMMODATION PROCEDURE (INTERACTIVE PROCESS)

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

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

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

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

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

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

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

Goals of the interactive process are to:

1. Engage in timely and open discussions, seeking possible accommodations for medically documented work restrictions allowing for continued completion of essential job duties and functions. In most cases, reasonable accommodations are likely to be identified. However, should such accommodations not be identified, the employee (or applicant) may be requested to revisit their physician seeking further guidance, assistance, and/or consideration of work restriction modifications or disability processing, as deemed appropriate by the physician. Employees are encouraged to share with their physician copies of their job description, organization chart, and minutes of the interactive process meeting(s) which will be provided to the employee upon request.
2. Develop a timeline for implementation of reasonable accommodations identified in step 1 above, preventing further harm or injury to the employee (or applicant) and not creating an undue hardship for the College.

3. To continue such ongoing discussions as the employee’s medical condition improves or declines to identify modifications that may be needed over time.

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