



POLICY MANUAL

VOLUME III

Personnel Policies

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Volume III Personnel Policies

3.0 Introduction

Volume III of the *Davis & Elkins College Policy Manual* contains employment policies that pertain to all employees of the College. Additional policies that pertain only to faculty appointment matters (including but not limited to faculty policies addressing faculty status, appointment and selection, evaluation, promotion in rank, separation, faculty rights and responsibilities, and faculty development) are provided in Volume IV of the *Davis & Elkins College Policy Manual*. Moreover, general policies that affect all members of the campus community are set forth in [Volume II](#) of the *Davis & Elkins College Policy Manual*.

Neither this Volume III of the *Davis & Elkins College Policy Manual* nor any other College policy document confers any contractual right, either express or implied, to remain in the College's employ. Nor does it guarantee any fixed terms and conditions of employment. No representative of the College except the President has the authority to enter into any agreement for employment for any specified period of time.

While the College has made Volume III of the *Davis & Elkins College Policy Manual* as comprehensive as possible, it does not purport to cover every conceivable employment situation. Therefore, Davis & Elkins College reserves the right to handle various circumstances in a discretionary manner.

3.1 Employment Classifications

3.1.1 Titles of Employees

3.1.1.1 President

The President is the chief executive officer of the College who is elected by the Board of Trustees and is the official medium of communication between Cabinet members, faculty and staff of the College and the Board, and between the students of the College and the Board, and between the Board and the Synod of the Trinity. The President is the head of the Cabinet.

3.1.1.2 Cabinet Officers

A Cabinet-level officer of the College is in charge of a major functional area, which includes supervising several sub-areas. The Cabinet includes the Vice President for Academic Affairs, Vice President for Business and Administration, Vice President for Enrollment Management and Institutional Advancement, and Vice President for Student Affairs. These positions serve at the will and pleasure of the President and report to the President.

3.1.1.3 Staff

3.1.1.3.1 *Administrative Staff*

An administrative staff person is a middle manager of the College in charge of one or more functional sub-areas with possible supervision of employees. Full-time administrative staff serve at the will and pleasure of the President and report to a Cabinet-level officer.

3.1.1.3.2 *Professional/Non-Faculty Staff*

Professional/non-faculty staff perform functional support within the College and are non-managerial staff who usually serve by appointment.

3.1.1.3.3 *Non-Administrative Staff*

A non-administrative staff member provides additional support services within the department or division to which he or she is assigned. This category includes technical, office/clerical, skilled craft, and service/maintenance employees.

3.1.1.4 Faculty

Faculty teaching status at Davis & Elkins College is conferred to those individuals granted faculty appointments and consists of the following categories: Full-time Faculty, Part-time Faculty, and Special Status Faculty.

Full-time Faculty: A full-time faculty member conducts the educational program, advises students, performs research and service as directed, and contributes to the educational development of the College through participation in committees and task forces. In addition, they are responsible for performing professional and community service activities. Full-time faculty members report to the Vice President for Academic Affairs. Positions are by appointment (i.e. non-tenured or special appointment) or tenured. The full-time Faculty consists of the President, the Vice President for Academic Affairs, and all qualified to hold a full-time faculty rank of Instructor, Assistant Professor, Associate Professor, or Professor.

Part-time Faculty: Part-time faculty are appointed for a specified term to offer courses, clinical instruction, laboratories, and/or private instruction on less than a full-time basis -- i.e., less than 8 semester hours of instruction or the equivalent per semester. Part-time faculty members are not members of the Faculty Assembly and receive only those fringe benefits required by federal and/or state law. Part-time faculty are not eligible for tenure or advancement in faculty rank, nor are they normally eligible for institutional faculty development funds. Part-time faculty are generally assigned the academic rank of Lecturer. Those persons who have attained a professorial rank as a full-time faculty member at another institution, however, may be appointed to that rank upon the recommendation of the Appointment, Promotion & Tenure Committee.

Special Status Faculty: Special status faculty include Administrative Faculty, Professional Librarians, Artist/Writer/Scholar-in-Residence, Replacement Faculty, and Visiting Faculty.

All individuals granted faculty status should consult the *Faculty Handbook* for information concerning faculty-specific policies, procedures and benefits.

3.1.1.5 Emeritus Status

The College's Emeritus Status Policy establishes eligibility criteria and procedures for granting emeritus status to non-faculty employees upon retirement from Davis & Elkins College. See the [Faculty Handbook](#) for faculty awarded emeritus status.

In exceptional cases, Davis & Elkins College may recognize long-term, distinguished service to the College by a non-faculty employee upon retirement from full-time service with the designation "emeritus" or "emerita" attached to his or her title at the time of retirement. Granting of emeritus status requires approval of the employee's cabinet officer, the President's Cabinet, and the President.

Eligibility Criteria

1. Ten years or more of continuous, full-time employment at Davis & Elkins College at the time of retirement.
2. Ten years or more in a position with management or administrative responsibility for developing and shaping a major program or unit of the College.
3. Submission of a plan to retire from full-time service to the College at 55 years of age or older on a specific date. [Persons leaving employment to accept a regular full-time appointment elsewhere are ineligible.]
4. A record of achievement at Davis & Elkins College judged to be of special merit by the employee's cabinet officer, the President's Cabinet, and the President.

The Board of Trustees may make an exception to the eligibility in exceptional cases on a case-by-case basis.

Benefits

1. A certificate conferring the emeritus/emerita title.
2. Listing in the College [Catalog](#).
3. The right to participate in formal and informal College events.
4. Library and electronic mail privileges.
5. Access to social, cultural, recreational, and dining events and facilities on the same basis as current full-time officers of the College.

3.1.2 Classification of Employees

It is the intent of Davis & Elkins College to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time.

Each employee at the College is designated as either non-exempt or exempt from federal and state wage and hour laws.

- **Non-exempt** employees are entitled to overtime pay under the specific provisions of federal and state laws.
- **Exempt** employees are excluded from specific provisions of federal and state wage and hour laws.

An employee's exempt or non-exempt classification is determined by their position.

In addition to being designated as either exempt or non-exempt, each College employee is classified in accordance with the definitions set forth below:

3.1.2.1 Regular Full-time Employees

Employees who work 37.5 hours each week (9, 10, 11 or 12 months) shall be considered full-time, regular employees. Such employees are eligible for all benefits available.

3.1.2.2 Temporary Full-time Employees

Employees who work 37.5 hours each week for a definite length of time shall be considered full-time, temporary employees. Such employees may not be eligible for benefits. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change.

3.1.2.3 Regular Part-time Employees

Employees who are regularly scheduled to work 29 hours or fewer each week (9, 10, 11 or 12 months) shall be considered regular part-time employees. Regular, part-time non-faculty employees will be paid on an hourly basis for time worked. As required by federal law, such employees working 1,000 hours per year will be eligible to participate in the College retirement plan. Regular part-time employees will not be eligible for the life insurance, disability insurance and health insurance benefits offered by the College. They will not be compensated during break periods when the College is not operating. Regular part-time employees will be paid for official College holidays, consistent with their average daily hours. The Office of the President publishes official holidays each year.

3.1.2.4 Temporary Part-time Employees

Employees who work less than 37.5 hours per week for a definite period of time or for a specific task shall be considered part-time temporary employees. These employees shall carry out necessary seasonal or temporary work. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. Such employees are not eligible for benefits.

3.1.2.5 Newly Hired Employees

All new administrative staff, professional/non-faculty staff, and non-administrative staff employees (staff employees) shall be in a "newly hired" status period for the first three (3) months of employment. Established staff employees who voluntarily change

assignments to seek higher remuneration and/or a new career position will also be in a “newly hired” status period for three (3) months. The “newly hired” status may be extended for an additional three (3) months if the supervisor feels that circumstances warrant such an extension.

Rationale: This period is designed to acquaint the new staff employee with his/her position and allow the supervisor to measure the staff employee’s ability and aptitude for the job. If the staff employee’s performance is inadequate, he/she may be discharged or reassigned to another position at any time during this period at the discretion of the College. Such action is subject to appeal by the staff employee pursuant to the grievance procedures. Successful completion of any staff employee’s introductory period will not alter the employee’s at-will status.

3.1.3 Position Descriptions

Position descriptions clarify the responsibilities and duties associated with an employee’s position and define the qualifications and requirements to perform those duties. Position descriptions are important and useful tools for recruitment, employee orientation and training, and performance evaluation.

A new employee’s supervisor discusses the position description and responsibilities with the employee during the first week of employment to clarify expected responsibilities and rights. Current employees are encouraged to periodically review their position description for accuracy.

Position descriptions are redefined by the area vice president, in consultation with the employee’s supervisor, if applicable, and the Director of Human Resources. All position descriptions are subject to approval by the President of the College. Salary determinations are the sole prerogative of the President and, with respect to the President and Cabinet members, the Board of Trustees.

An employee who believes that his or her current job position definition should be redefined is encouraged to consult with his or her supervisor.

3.1.4 Employment at Will

Since 1913, West Virginia has recognized the employment-at-will doctrine. Most of the College’s employees, including the Cabinet members, are employees-at-will. Faculty should consult the [Faculty Handbook](#) for information concerning faculty-specific policies, procedures and benefits.

Definition

Employment-at-will means that each employee has the right to terminate his/her employment at any time, with or without good cause, and Davis & Elkins College has the right to terminate an individual’s employment at any time, with or without good cause, subject only to the requirement that the applicable grievance procedure be observed.

Policy

The College's personnel practices, procedures and policies are general guidelines used in the course of Davis & Elkins College's activities. These are not intended to guarantee any person permanent employment or job security unless otherwise stipulated in an appointment letter or contract issued by the President of the College. Davis & Elkins College reserves the right to modify, interpret, revoke or change any or all of its personnel practices, procedures and policies, in whole or in part, at any time, with or without notice.

3.2 Employee Recruitment

3.2.1 General Recruitment Policies

The policies below address the College's general recruitment practices as they apply to all Davis & Elkins College employees. Employment at the College is based on the qualifications of applicants as determined through fair and practical selection methods. When hiring an employee, the College will:

1. Consider candidates without discrimination in conformance with the College's Equal Opportunity Employer Policy;
2. Select the qualified individual who best meets the needs of the hiring division, department or program and the mission of the College;
3. Select qualified applicants with the appropriate qualifications, education, training, and experience to lead the College and accomplish its mission;
4. Enhance opportunities for mobility and promotion of qualified candidates who are current College employees.

3.2.1.1 Equal Opportunity Employer

Davis & Elkins College is an Equal Opportunity Employer and will practice equal employment opportunity in all aspects of its operation. Davis & Elkins College is committed to assuring equal opportunity to all persons and does not discriminate on the basis of race, color, sex, religion, ancestry, national origin, age, sexual orientation, disability, veteran status, gender identification, or genetic information in its educational programs, activities, admissions or employment practices as required by Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973 and other applicable statutes. This policy shall apply to all employment practices.

Davis & Elkins College is committed to the goal of filling all staff openings with the best personnel available. All decisions regarding promotion, transfer and job retention shall be based upon an individual's qualifications, experience and ability to perform the duties and responsibilities of any given position, regardless of race, color, sex, religion, ancestry, national origin, age, sexual orientation, disability, veteran status, gender identification, or genetic information or any other characteristic protected by federal, state or local law.

In the event that any provision in these personnel policies conflicts with any federal, state or local law regarding equal opportunity, such provision shall be amended to comply with the existing law.

Inquiries regarding Title IX and/or 504 compliance and/or the filing of a Title IX or Section 504 complaint should be referred to the College's Title IX or Section 504 Coordinator or deputy coordinators:

Davis & Elkins College Title IX Coordinator

Amy Kittle
Compliance & Ethics Officer
Office: (304) 637-1277 | Cell: (304) 614-9203
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Davis & Elkins College will investigate incidents of discrimination or harassment in accordance with the College's Discrimination and Harassment Policy (see [Volume II](#) of the *Davis & Elkins College Policy Manual*). Moreover, it is the policy of Davis & Elkins College to provide notice of the College's Equal Opportunity policies to all employees, students and third parties on the Davis & Elkins College [website](#). Notice is also provided to all new employees and incoming students in College publications and materials relating to the recruitment of employees and students.

3.2.1.2 Approval to Hire

All position vacancies or newly created positions must be approved in advance prior to advertising or offering the position to a candidate. Approval is obtained by completing a written request to the appropriate Cabinet member. Questions regarding the College's Approval to Hire Policy should be directed to the Director of Human Resources.

3.2.1.3 Employment Advertising and Posting

All internal and external College job opportunities will be posted on the Davis & Elkins College website by Human Resources and include notice of the College's Equal Opportunity Employer Policy. In addition, select positions may be advertised in national or local publication or websites (i.e., newspapers, professional journals, professional websites, etc.) upon approval of the appropriate hiring supervisor. Once advertising for the position has been authorized, Human Resources will initiate advertising.

Note: The College will provide notice of the availability of the Davis & Elkins College annual security report to all individuals interviewed for faculty, Cabinet, or administrative positions that were advertised in national or local publications or websites.

3.2.1.4 Applications

All applicants for an advertised College position must complete the standard College [application](#) (which is available on the [College job posting Website](#)) or submit a CV and cover letter. This includes current employees applying for promotions or transfers, as well as former employees seeking to be re-employed by the College.

Davis & Elkins College relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

3.2.1.5 Background Checks

Davis & Elkins College performs pre-employment background checks on all new employees as a condition of employment. The College performs background checks on part-time faculty as soon as possible after they have been appointed and before they commence working.

At a minimum, the following pre-employment background checks on all new employees are performed by Davis & Elkins College:

- A search for sex-related offenses in an individual's counties of residence for the past seven years;
- A search of the state registry of sex offenders;
- A database search for criminal activity in the individual's states of residence for the past seven years; and
- A review of state and federal databases verifying an individual's Social Security number, driver's license, residency, and prior employment.

Moreover, all employee and volunteer applicants who may function within a financial capacity or be assigned duties that handle financial accounts will be required to have a background screen related to the applicant's financial and credit history.

Finally, all individuals applying for a faculty or teaching position will have their formal educational credentials or equivalent experience qualifications verified. Please see the Faculty Credentials Policy in the [Faculty Handbook](#) for additional information.

Current Employees

Background checks are not required on current employees with the exception of those employees changing positions or when any of the following circumstances arise:

- An issue or allegation exists with regard to educational achievements, work experience, possible criminal records, or other background element deemed important; and/or
- It is necessary to conduct a background check on an employee as part of a certification for the employee to teach, conduct research, or perform public service at or for a third-party entity when such entity has established a requirement for such certification.

For current employees changing positions, including those filling interim positions, a background check is only required when the new position increases the impact of the perceptible risk factor (contact with protected persons). If an employee experiences a position change within the same or greater perceptible risk factor, a new background check needs to be conducted if it has been five or more years since their last background check.

Recordkeeping

The Office of Human Resources will maintain a log of all background checks. The log will include the following: name, department, position title, hiring official, date of background check, and employment date.

Job Postings/Recruitments

All recruitment information (job posting, flyers, external advertising) must state that employment is contingent upon obtaining and maintaining a satisfactory background check.

Final Interviews

During the final interview process, all candidates will be notified that any job offer is contingent upon successful completion of the background check.

Criminal Convictions

1. Only criminal convictions, guilty pleas, and pleas of no contest will be considered in determining an applicant's suitability for employment. Detention or arrest without conviction or without a plea of no contest typically do not constitute valid grounds for employment decisions or play a part in the decision-making process.
2. In determining an applicant's suitability for employment where the applicant has criminal convictions on the applicant's record, consideration will be given to the specific duties of the position, the number of offenses and circumstances of each, the length of time since the conviction(s), and the accuracy of the explanation on the application.
3. In instances where information is obtained that may result in a release from employment, or if there has been falsification of information submitted on College application materials that may be grounds for disqualification or separation, Human Resources will provide guidance and a recommendation to the hiring unit.
4. If a completed background check regarding a current College employee reveals adverse information that bears a significant relationship to the employee's suitability to perform the required duties and responsibilities of the employee's current position, or if there has been falsification of information submitted on College application materials that may be grounds for disqualification or separation, Human Resources will provide guidance and a recommendation to the appropriate managers.
5. The College reserves the right to discipline, terminate, or non-select any employee or applicant for employment required to register under any sex offender registry, whose name appears on a sex offender registry, or who has committed a violent or sexual offense against any person. Such action is exempted from corrective discipline practices and may be immediate.
6. If a current employee is terminated or resigns as a result of information obtained from the initial background check, and there has been no falsification of information submitted on College application materials, the employee will receive the employee's accrued, unused annual leave in accordance with College policy.

Disputed Information

If a candidate or current employee disputes the accuracy of any information obtained in a background check, the employee will be referred to the agency that provided the information. A candidate disputing the accuracy of information will have three (3) business days to conclusively demonstrate the inaccuracy of the information obtained in the background check, after which time an employment decision may be made.

Subsequent Criminal Convictions

In the event that an employee subject to this policy receives a criminal conviction after successful completion of the initial background check, that employee must inform Human Resources. Human Resources will then determine whether or not the conviction

is relevant to the employee's job under this policy. If the conviction is not relevant, no adverse action will be taken. If the conviction is relevant, employment may be terminated or the employee may resign. In either case, a full-time eligible employee will receive accrued, unused annual leave in accordance with College policy. Employees who fail to notify Human Resources about a subsequent criminal conviction will be terminated for cause and will forfeit eligibility to receive payment for accrued, unused annual leave in accordance with College policy. Supervisors must notify the Human Resources Office immediately upon being informed of any such conviction or guilty plea. The College may share information with government officials, agencies and internally but not distribute it to other entities.

3.2.1.6 Employment Eligibility Verification

All offers of employment are contingent on verification of the candidate's right to work in the United States. Every new employee will be asked to provide original documents verifying his or her right to work and, as required by federal law, to sign the Federal Form I-9, Employment Eligibility Verification. Former employees who are rehired may also be required to complete the form. Employees with questions or seeking more information on immigration law issues are encouraged to contact Human Resources.

3.2.1.7 Employment of Relatives

Davis & Elkins College actively recruits qualified candidates for all positions consistent with College policies. Relationship to another individual employed by the College will not be considered an advantage for appointment, promotion, retention, salary, or leave of absence granted by the College. As such, when a family member of a current employee applies for or seeks a promotion or transfer to a position at the College, the following guidelines will be followed:

1. No employee will be assigned, promoted, or transferred to a division or department under the direct supervision or control of a relative herein defined.
2. Employees will not be placed in a supervisory role over members of their family nor will individuals be appointed, promoted, or transferred into positions that result in a supervisory relation with a relative herein defined.
3. Employees will neither initiate nor participate in institutional decisions involving a benefit to a relative (i.e., initial employment or appointment, retention, promotion, salary, leave of absence, etc.).
4. Employment of relatives in the same department or division or under the same supervisor is presumed to be unacceptable and may be authorized only with the prior written approval of the President.

Definition

A relative is a spouse, child, step-child, parent or step-parent, parent or step-parent in-law, brother or sister, brother or sister-in-law, aunt, uncle, niece, nephew, grandchild, grandparent, first cousin, any other related person or non-related person who is part of the staff or faculty member's household, or someone whose relationship with the faculty or staff member is similar to that of a relationship described herein.

Exceptions to the Policy

When the President determines that it would be in the best interest of the College, the President may approve individual exceptions to this policy for persons who are relatives, but only when:

1. The interests of other employees are not prejudiced by the exception; and
2. All recommendations or decisions made by one relative about the other relative are subject to review and approval either by an unrelated supervisor or by another College employee designated to perform this function.

3.2.1.8 New Hires Reporting

In compliance with West Virginia Revised Statute [48-18-125](#) and [42 U.S.C. Sec. 653a](#), all new hires, including rehired employees, must be reported to the West Virginia New Hire Reporting Center within fourteen (14) days of hire. Please note that teachers and other employees of educational institutions who are paid an annual salary are not considered to be “rehired” when they return to school in the Fall. This is true even if they are not required to report to school for more than a 60-day period.

3.2.1.9 First Day of Employment Procedures

All new employees must visit the Human Resources Office, Liberal Arts Hall on their first working day to discuss and complete the following forms if applicable:

- Withholding Form W-4;
- Department of Labor Form I-9;
- Benefit Enrollment Instructions;
- State tax withholding form;
- Any other form required.

The new employee also will be provided a College ID card and parking permit if needed.

After completing these tasks, the new employee reports immediately to his/her supervisor.

3.2.1.10 Anniversary Date

The employment commencement date is defined as the employee’s first day on the job with the College as a regular full-time or part-time employee. The anniversary date is the annual recurrence of the employee’s employment commencement date. If full-time or part-time regular employment is interrupted for more than six months, Human Resources will determine what effect this lapse may have on various benefit plans.

3.2.1.11 Re-Employment

An employee who resigns in good standing from Davis & Elkins College is eligible for re-employment if the person is qualified to perform the duties of the position and such re-employment would be in the best interest of the College. All former employees must

indicate previous employment at Davis & Elkins College in the re-application process. Former employees requesting to be rehired will be processed using the same procedures and standards that govern all applications for the position being sought.

3.2.2 Recruitment and Appointment of the President and Cabinet Members

3.2.2.1 President

The President of Davis & Elkins College is selected in accordance with a search procedure adopted by the Board of Trustees. At the discretion of the Board of Trustees, the use of either a search committee or outside consultant may be utilized. Final candidates selected in accordance with the approved search procedure will be presented to the full Board for election to the Presidency.

3.2.2.2 Cabinet Members

The President will approve the hiring of all Cabinet member positions and be responsible for determining the search procedures to be utilized and the qualifications for the position. A candidate for a Cabinet position will be selected based on his or her potential to contribute to the mission of the College and must possess the appropriate skills, education, training, and experience to lead Davis & Elkins College. At the discretion of the President, the use of either a search committee or outside consultant may be utilized in a Cabinet search. Final candidates selected in accordance with the approved search procedure will be presented to the President.

3.2.3 Recruitment and Appointment of Staff Personnel

When a staff vacancy occurs or a new staff position is proposed, the area Vice President (or designee) must approve the search, as well as determine the search procedures to be utilized prior to commencement of recruitment efforts.

All candidate applications and resumes will then be received by Human Resources, which will screen all resumes to ensure that each candidate meets the criteria for the job based on the job description. Resumes will then be forwarded to the hiring supervisor.

The hiring supervisor will then review and evaluate resumes and applications based upon the requirements of the position and select the most qualified applicants to be invited for an interview. Candidates must possess the appropriate skills, education, training, and experience to satisfy the essential requirements of the position. Interviews of selected qualified candidates will then be arranged and conducted by the hiring supervisor. Following the interviews, the hiring supervisor recommends to the appropriate administrator the two or three candidates considered most fitting for the position. These recommendations must include reasons for the choice. The candidates are then interviewed by the appropriate administrator, who in turn selects the final candidate. Human Resources will offer the position to the candidate after completing applicable reference and background checks.

Once the position is filled, the hiring supervisor will contact all interviewed candidates who were not selected to notify them that the position was filled and to thank them for their interest in the College.

3.2.4 Recruitment and Appointment of Faculty

The addition of new employees granted faculty status at Davis & Elkins College is governed by the search, selection and appointment procedures set forth in the [Faculty Handbook](#).

3.3 General Employee Policies

The policies in this section identify many, but not all, of the important general employment policies that apply to Davis & Elkins College employees. Employees are reminded that as members of the College community, they are also expected to be familiar with all relevant College policies and practices that have significance for their performance, including but not limited to those in applicable volumes of the *Davis & Elkins College Policy Manual*, as well as the College [Catalog](#) and departmental/divisional/administrative handbooks.

3.3.1 Arrests and Convictions

Arrests: Employees must notify the office of Human Resources of any serious misdemeanor or felony arrests within five (5) working days of the arrest. Any arrests of College employees by law enforcement officials that indicate unsuitability for a particular College position may be a basis for corrective action, up to and including termination. The imposition of corrective action depends upon a review of all factors involved - including whether or not the employee's action was work-related, the nature and severity of the act, or any resultant circumstances that adversely affect the employee's attendance or suitability for continued employment. Such corrective actions may include termination. In the case of termination, the College will examine the surrounding circumstances of the arrest, offer the employee an opportunity to explain, and, if he or she denies engaging in the conduct, make the follow-up inquiries necessary to evaluate his/her credibility. All information pertaining to the arrest will then be reviewed confidentially by the appropriate supervisor in consultation with the Director of Human Resources, who will then collaboratively decide what action, if any, the College will take.

Convictions: Any current employee convicted of a felony offense or serious misdemeanor must report it to Human Resources within five (5) working days of the conviction. Failure to report the conviction may constitute grounds for termination. Human Resources will review the nature of the conviction and make a recommendation to the employee's supervisor on what, if any, action should be taken regarding employment status. The Director of Human Resources' review will utilize the same standards as it applies in reviewing crimes committed by a candidate for employment, but may consider other factors, including the length of employment and performance reviews. All information pertaining to the crime will then be reviewed confidentially.

Failure to Report: An employee's failure to report an arrest or a conviction (for a serious misdemeanor or felony) within the specified time period may result in immediate termination.

3.3.2 Attendance

Because employees belong to a group of individuals working as a team, daily presence is needed to ensure that goals are reached. If lateness or absence is unavoidable, supervisors must be notified. Unauthorized and/or excessive absenteeism or lateness may be grounds for disciplinary action up to and including termination.

3.3.3 College Issued Property and Resources

The College provides various property, resources, and areas for employees to use at the College's expense. These may include, but are not limited to desks, offices, file cabinets, business machines (e.g. computers, printers, copiers, telephones, cell phones, etc.), office equipment, College credit cards, office supplies, postage and express mail service, Internet access, and long-distance telephone service. These items, areas and resources are provided to assist employees with performing their work, and may only be used for business purposes, and must be used in accordance with applicable College policy. Any equipment or property issued to employees must be returned upon College request, or at the time of termination of the employment relationship. All property remains the sole property of the College and it reserves the right to open, inspect, copy, remove, or otherwise generally have access to such property. Such an inspection can occur at any time, without advance notice or consent.

3.3.4 College Publications

All publications prepared or supervised by the College employees, financed through the expenditure of College funds (to include agency funds), and bearing the College logo, seal and/or name are considered to be College publications. Accordingly, they shall be prepared under the direction of a designated employee of the College, and all such publications must be the direct responsibility of a designated office or department. See the College Publication Policy in [Volume II](#) of the *Davis & Elkins College Policy Manual* for additional information.

Employees are encouraged to notify the responsible Cabinet member about professional meetings attended, special projects undertaken or completed and honors, awards or other forms of recognition received to potentially be included in College publications.

3.3.5 Compliance and Ethics Program

I. Introduction

The mission of Davis & Elkins College is to prepare and inspire students for success and for thoughtful engagement in the world. To that end, the College is committed to maintaining a healthy and safe learning, living, and working environment that promotes responsibility and ethical behavior by complying with College policy and local, state, and federal laws.

II. Policy Statement

It is the policy of Davis & Elkins College that all of the College's programs be operated in an ethical manner which complies with both the spirit and the letter of the statutes and regulations which govern those programs. To promote ethical behavior, employees are expected to adhere to the Employee Ethical Conduct Policy (3.3.17). The Board of Trustees acknowledges that as the governing body of Davis & Elkins College, it is ultimately responsible for ensuring that the institution is operated not only ethically, but also in a legally compliant matter. The day-to-day responsibility for the compliant operations of the College rests with the President, the faculty, and the staff of the College. The College adopts the Compliance and Ethics Program for the following purposes:

- To facilitate, maintain, and enhance a culture of high ethical standards and compliance;
- To ensure that the Board of Trustees and the Cabinet are aware of ongoing compliance efforts and resources needed to maintain legally compliant operations; and,
- To enable the Board of Trustees to more fully discharge its fiduciary duties.

III. Scope

A. Compliance Officer

The Compliance Officer will report to the President. The day-to-day compliance efforts shall be overseen by the College Compliance Officer whose duties include:

- Monitoring and evaluating the College's practices, policies, and procedures in regards to compliance;
- Convening at least quarterly meetings of the Compliance Committee;
- Coordinating training in conjunction with the Cabinet member or his or her designee responsible for oversight in that area to achieve compliant conduct; and
- Reporting the current state of campus compliance efforts to the Cabinet and Board of Trustees.

B. The Compliance Committee

The mission of Davis & Elkins College's Compliance Committee is to provide the College Compliance Officer, the Cabinet, and the Board of Trustees with:

- Reports of the status of compliance within their area;
- Updates on compliance training programs;
- Recommendations about compliance needs and actions that should be taken to move beyond compliance into the realm of best practice.

The Compliance Committee, chaired by the Compliance Officer, shall convene at least quarterly. Members of the Compliance Committee consist of individuals who hold the positions below.

- Director of Human Resources
- Title IX Coordinator
- ADA/Section 504 Coordinator
- NCAA Compliance Coordinator
- Director of Financial Aid
- Registrar
- Faculty Representative
- Director of Public Safety
- Director of Counseling and Wellness
- Director of International Student Services
- Director of Accounting
- Director of Admissions
- Direction of Institutional Advancement
- Director of Physical Plant
- Chief Information Officer

C. Cabinet Administrative Oversight

The President and Cabinet have primary administrative oversight of the Compliance and Ethics Program ensuring its efficacy.

D. Board of Trustees Oversight

The President and/or the Compliance Officer shall report at least annually to the Board of Trustees:

- The status of compliance efforts in each area;
- The resources necessary to achieve compliance and/or to move beyond compliance into the realm of best practice; and,
- Challenges to achieving full compliance and recommendations for overcoming those challenges.

IV. Elements of the Compliance and Ethics Program

The Compliance Officer, in coordination with the appropriate member of the Compliance Committee, will identify and maintain a list of statutes and regulations with which the College must comply. They will establish an ongoing process for reviewing and documenting each area of compliance (Higher Education Compliance Alliance). For each area, the Compliance Officer will maintain the following information

- The person primarily responsible for assuring compliance under the statute or regulation;
- The specific obligations under the statute or regulation and when applicable, the dates for which those obligations must be complete;
- Information regarding the human, financial, or other resources necessary to achieve and maintain compliance;
- Documentation of barriers to achieving or maintaining full compliance and recommendations for removing those barriers.

A. Monitoring and Evaluating Compliance

On an ongoing basis, the Compliance Officer monitors and evaluates the efficacy of Davis & Elkins College's Compliance and Ethics Program by establishing a compliance calendar that regulates routine program compliance reviews, statute and regulation updates, and training and resource needs determinations. Davis & Elkins College employees will participate in an annual survey designed to assess Davis & Elkins College's culture of compliance and detect non-compliant and unethical conduct.

B. Training

The Compliance Officer in cooperation with the Compliance Committee shall identify the necessary training needs. The Compliance Officer will report the training needs and requirements to the Cabinet no later than December 31st of each year so that the funds necessary to achieve and maintain compliance can be allocated into the operating budget.

C. Reporting

All members of the campus community are encouraged to report non-compliant, unethical, illegal, or dishonest behaviors. Employees are responsible for reporting instances of financial misconduct or misuse of Davis & Elkins College's resources. Campus community members may report anonymously to the Campus Conduct Hotline (866-943-5787), directly to the Compliance Officer, or through other established reporting mechanisms. To protect individuals from intimidation or retaliation, campus community members are encouraged to report directly to the Campus Conduct Hotline or the Compliance Officer. Davis & Elkins College offers Whistleblower protection (3.3.41).

D. Responding to and Preventing Non-Compliant or Unethical Conduct

1. Supervisors shall promptly respond to and document non-compliant or unethical behavior by taking appropriate steps to eliminate the behavior, remedy the effects, and prevent its recurrence.
2. When the College receives notice of non-compliant or unethical behavior, the College Compliance Officer shall coordinate an investigation consistent with established policies and procedures. Should non-compliant or unethical behavior be found to have occurred, the Compliance Officer will work with the appropriate supervisors to determine what remedial steps may be appropriate to address such conduct.

3. The Compliance Officer shall ensure that the Whistleblower Policy (3.3.41) is adequately publicized and distributed annually through email to the campus community so that individuals can confidentially report and seek guidance regarding potential or actual non-compliant unethical conduct without fear of intimidation or retaliation.
4. Cabinet members shall include compliant and ethical behavior as part of the annual employee evaluation process. Cabinet members shall make non-compliant behavior a basis for faculty and staff discipline.

Cabinet members will ensure that:

- Individuals with a history of non-compliant behavior will not be permitted to perform duties in that area;
- Individuals with a history of non-compliant behavior in two or more areas will not be hired, transferred, or promoted by Davis & Elkins College in any capacity.

3.3.6 Confidential Information

Davis & Elkins College employees, student workers, and volunteers have an affirmative duty to protect and safeguard all confidential information acquired during the course of employment or service to the College.

For purposes of this policy, **confidential information**, whether stored in electronic, printed, or other format, includes, but is not limited to:

- Credit card information;
- Tax identification numbers;
- Payroll information;
- Cafeteria plan check requests and associated paperwork;
- Student, parent, and employee tuition and loan accounts information;
- Student educational records as defined by FERPA;
- Photographic images (especially of face or other identifying characteristic), fingerprints, handwriting, or other biometric data (e.g., retina scan, voice signature, facial geometry);
- Medical or financial information for any employee, temporary worker, or student;
- Other personal information to include date of birth, addresses, phone numbers, maiden names, customer numbers, Social Security numbers;
- College contracts;
- College research data;
- Alumni and donor records;
- Personnel records;
- College financial data;
- Computer passwords;

- College proprietary information/data; and
- Any other information for which access, use, or disclosure is not authorized by: a) federal, state, or local law; or b) College policy or operations.

The following expectations govern confidentiality at Davis & Elkins College:

1. Employees may only access, use, and disclose data, documents and files (both electronic and hardcopy) containing confidential information with explicit authorization and only on a need-to-know basis for either an employee's job functions or volunteer's service. Employees are not permitted to make or permit unauthorized use of any such data, documents and files.
2. Employees will enter, change and delete data only as authorized within their job responsibilities. They will not knowingly include or cause to be included in any record or report a false, inaccurate or misleading entry, nor will they knowingly alter or expunge from any record or report, or cause to be altered or expunged, a true and proper entry.
3. All employees, student workers, and volunteers have a duty to use available physical, technological, and administrative safeguards to protect the security of all confidential information in any form or medium and abide by all applicable College, state and federal guidelines, policies, regulations, statutes and procedures pertaining to security, confidentiality and privacy, including, but not limited to the following College policies: Student Records (FERPA); Information Security and Identity Theft Prevention Program; Information System Security; and Health Insurance Portability and Accountability Act.
4. Upon conclusion of an employee's employment or of a student worker or volunteer's service, or upon request of a supervisor, employees, student workers, and volunteers will return originals and copies of all documents and files (whether electronic or hardcopy) containing confidential information to the College and relinquish all further access to and use of such information.

Violation of the College's Confidential Information Policy may result in disciplinary action being taken against the responsible employee, student worker, or volunteer. Disciplinary action may include, but is not limited to, suspension, termination of employment, and/or possible criminal or civil prosecution under federal or state statutes.

3.3.7 Conflict of Interest

Davis & Elkins College staff and faculty ("employees") have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest and must not use their positions to profit personally or to assist others in profiting in any way at the expense of the College. Employees are expected to refer any concerns about potential conflicts to their supervising Cabinet member. Senior officers should direct their concerns to the President or Chair of the Board of Trustees.

While no definition of conflict of interests can be sufficiently inclusive to address all possible examples of such activities, an actual conflict of interest is a situation in which an employee has an interest or relationship, including a personal or business relationships, that might reasonably be construed to affect the employee's independent,

unbiased judgment when making or participating in the making of decisions on behalf of the College, where such a decision will or could result either directly or indirectly in a personal gain for the employee or for a relative of the employee. Moreover, the College considers an actual conflict of interest to be any conduct by an employee that is competitive with or disloyal, disruptive or damaging to Davis & Elkins College. A potential conflict of interest occurs when an employee's personal or private interests or business relationships might lead an independent observer to reasonably question whether the employee's professional actions or decisions are influenced by the considerations of a business relationship or significant personal or financial interest.

For purposes of this policy, "relative" is defined as a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, corresponding in-law or step-relation or any other related person or non-related person who is part of the employee's household, or someone whose relationship with the employee is similar to that of a relationship described herein.

Specific activities or actions that may constitute an actual or potential conflict of interest and merit a case-by-case examination to determine whether a conflict of interest exists, include, but are not limited to, the following examples:

1. Engaging in consulting activities (with or without pay) or other outside business interest where there is a conflict of interest or a serious appearance of a conflict of interest;
2. Purchasing goods or services for the College from businesses in which the employee or a relative of the employee has a financial interest, or as a result of such purchase, may directly benefit;
3. Engaging in outside activities from which employees, their relatives or their businesses will gain financially because of the employee's position at the College;
4. Holding of an equity, royalty, or debt instrument interest by the employee or an employee's relative in an entity providing to the College financial support, including research or other support or services, when such support will benefit the employee or relative;
5. Using College resources to benefit an outside source or relative (this could include employee time, College space, equipment, supplies, etc.) without appropriate approval from a Cabinet member;
6. Disclosing confidential or proprietary information obtained through College employment for personal profit or gain, or for the profit or gain of a relative, business associate, or acquaintance;
7. Accepting gratuities or special favors such as meals, airline tickets, hotel accommodations, entertainment, sporting event tickets, etc., from any outside concern that does, or is seeking to do business with the College or extending gratuities or special favors to employees of the College under circumstances which might reasonably be interpreted as an attempt to influence employees in the performance of their duties. This does not include the acceptance of items of nominal or minor value (\$100.00 or less) which are clearly tokens of respect or

friendship and are not related to any particular transaction of the College, nor does it include business-related social events where the employee is representing the College's interest which is part of their official responsibilities.

Employees are expected to voluntarily notify their supervisor whenever a potential conflict of interest issue arises, including a financial or personal interest which may give rise to a conflict of interest.

3.3.8 Consensual Relations

The potential for abuse or the appearance of abuse prompt the College to prohibit any full or part-time employee of Davis & Elkins College from engaging in a romantic and/or sexual relationship or conduct with any student of either gender while the student is enrolled at the College. Faculty should also refer to the Faculty-Student Amorous Relationships Policy in the [Faculty Handbook](#) for additional information.

Likewise, the potential for abuse or the appearance of abuse and the inherent differential in authority prompt the College to prohibit any employee of Davis & Elkins College from engaging in a romantic and/or sexual relationship or conduct with any employee of either gender whom that person supervises or evaluates in any way. Moreover, no College supervisor should participate in the hiring, promotion, or setting of wages or salaries of any College employee with whom the supervisor has or has had romantic and/or sexual relationship. In other cases where a conflict or the potential for conflict arises because of a romantic and/or sexual relationship between employees, even if there is no line of authority or reporting involved, the College reserves the right to take prompt action (i.e., reassignment, termination). If a relationship should develop contrary to this policy, it is the responsibility and obligation of the supervisor involved in the relationship to disclose the existence of the relationship to Human Resources. The non-supervisor employee may make the disclosure as well, but the burden of doing so shall be on the supervisor. Violation or failure to promptly disclose and correct violation of this policy is grounds for corrective action, up to and including termination from employment. The individuals concerned will commonly be given the opportunity to decide who is to be transferred to another available position. If that decision is not made within 30 calendar days, the College will decide who is to be transferred or, if necessary, terminated from employment.

In rare instances, exceptions to this policy may be considered by the President. When this occurs, procedures will be implemented to avoid or reasonably manage conflicts of interest.

It is the duty of anyone with concerns or questions about the application of this policy to an existing or potential relationship to consult with the President.

In keeping with this policy, the existence of a consensual relationship in either of the contexts stated above shall not be a defense in any proceeding that may result from charges of sexual harassment.

Individuals who violate this provision are subject to the range of discipline as outlined in the College's [Gender-based, Discrimination, Harassment and Sexual Misconduct Policy](#).

3.3.9 Contract Signing Authority

Only the President and Cabinet members are authorized to execute contracts or agreements for the College within their respective areas of responsibility, except for any authority that is reserved to the Board of Trustees or the Board otherwise delegates. Contracts and agreements for goods and services to be provided by the College, as well as for goods and services to be provided to the College, must comply with the College's Purchasing Policy. See the College's Contract Policy in [Volume VII](#) of the *Davis & Elkins College Policy Manual* for additional information. Employees who enter into an unauthorized contract on behalf of the College do so at the risk of personal financial liability.

3.3.10 Copyright Compliance

Davis & Elkins College employees are required to comply with the provisions of the United States Copyright Law, which regulates the reproduction of copyrighted material. Davis & Elkins College as an institution, and individual College employees, may be held liable for infringements of the Copyright Law.

The College's copyright policies, which summarize applicable areas of Copyright Law of importance to the College community, are available on the [MyD&E](#) web page at <https://www.dewv.edu/my-de>. Supervisory personnel must ensure that every employee under their supervision who has occasion to either reproduce copyrighted material or order its reproduction is familiar with and abides by the College's copyright policies.

Questions concerning the Copyright Law should be directed to the Office of Communications and Marketing or the Library.

3.3.11 Discrimination and Harassment

Davis & Elkins College complies with Title IX of the Educational Amendments of 1972, the Americans with Disabilities Act of 1990 ("ADA"), Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, Age Discrimination in Employment Act of 1967, as amended by the Older Worker's Benefit Protection Act ("ADEA") and other applicable statutes and will not tolerate, condone or permit unlawful discrimination, harassment, and/or retaliation, whether engaged in by Davis & Elkins College students, staff, faculty, and volunteers, as well as contractors, consultants, and vendors doing business or providing services to the College (3rd parties). In addition, pursuant to the Violence Against Women Act, the College will not tolerate dating violence, domestic violence or stalking. Inquiries concerning the application of these laws to Davis & Elkins College should be referred to either the College's Title IX Coordinator or Deputy Coordinators:

Amy Kittle
Title IX Coordinator/Section 504 Coordinator

Compliance & Ethics Officer
Halliehurst, Second Floor

Scott Goddard
Deputy Title IX Coordinator

Vice President for Student Affairs
Liberal Arts Hall, Suite 102

Jane Corey
Deputy Title IX Coordinator
Director of Human Resources
Liberal Arts Hall, Room 203

Amanda Larkin
Deputy Title IX Coordinator
Athletics Compliance Coordinator
Hermanson Center, Room C

Robert Phillips
Deputy Title IX Coordinator
Vice President for Academic Affairs
Liberal Arts Hall, Suite 106

Definitions regarding what the College considers to be unlawful harassing or discriminatory behavior, as well as complaint, investigative, and responsive action procedures are outlined in detail in the College Discrimination and Harassment Policy found in [Volume II](#) of the *Davis & Elkins College Policy Manual*. Pursuant to the policy, the College will act promptly to investigate all instances of harassment and discrimination; take appropriate steps to protect individuals from further harassment and discrimination; and, if it is determined that a policy violation has occurred, appropriately discipline any student, faculty or staff personnel and/or take other appropriate action reasonably calculated to end the behavior.

3.3.12 Drug-Free Workplace

In compliance with the Drug Free Workplace Act of 1988, Davis & Elkins College prohibits the unlawful manufacture, use, dispensing, possession, or distribution of controlled substances by any employee, volunteer, or other individual participating in the College workplace.

As a condition of employment or participation in the workplace, Davis & Elkins College requires all workforce participants to adhere to the Drug-Free Workplace Policy, as well as the prohibitions outlined in the College's Alcohol and Drug Policy (see [Volume II](#) of the *Davis & Elkins College Policy Manual*).

Any employee, volunteer, or other individual participating in the Davis & Elkins workplace who is convicted of violating a criminal drug statute inside or outside of the workplace must notify an immediate supervisor or the principal investigator (in the case of federal research grant or contract) of the conviction, in writing, no later than five calendar days after the conviction. The appropriate supervisor or principal investigator is responsible for immediately notifying the Director of Human Resources, who will then notify all affected federal agencies within ten (10) days of receiving notice of the conviction in compliance with [34 CFR §84.225\(a\)](#).

Consistent with the requirements of the [Rehabilitation Act of 1973 \(29 U.S.C. §794\)](#), as amended, the College will appropriately sanction any employee, volunteer, or other individual participating in the Davis & Elkins College workplace who violates this policy. In the event the individual was engaged in the performance of a federal award or contract, disciplinary action will be taken within 30 calendar days of learning of the conviction. In addition to College sanctions, the affected individual may be subject to criminal penalties under applicable federal and state law.

Opportunity for Rehabilitation

Following a violation of the Drug-Free Workplace Policy, depending on the nature and severity of the violation, an employee may be offered an opportunity to participate in rehabilitation. In such cases, the employee must sign and abide by the terms set forth by Davis & Elkins College as a condition of remaining on campus.

Compliance with Disability Laws

Davis & Elkins College recognizes chemical dependency as a treatable illness and may provide a reasonable accommodation for eligible employees who require leave for rehabilitation. Eligible employees who are diagnosed as chemically dependent will be treated in the same manner as employees with other types of illnesses with the coverage being limited by the insurance coverage provided by the group health insurance plan. On the basis of proper medical certification of chemical dependency, they will qualify for the same employee benefits and group insurance coverage which are provided for other medically certified illnesses covered in employee benefit plans, except as may be limited by the specific benefit plans concerned.

While treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan, the ultimate financial responsibility for recommended treatment belongs to the employee. The College's employee group medical insurance coverage for inpatient and outpatient treatment is detailed in the College's health plan documents.

Drug Testing Program

To further provide a safe environment for conducting the mission of Davis & Elkins College, the College has adopted a workplace drug testing policy. Davis & Elkins College reserves the right to test for substances to the extent allowed by the law.

Davis & Elkins College may periodically conduct substance tests under any of the circumstances noted below. Any employee subjected to any substance test will be required to sign a Substance Test Consent Form. Refusal to sign the form or leaving the work area prior to the substance test without permission of the supervisor, or refusal to cooperate in any way with the testing process, shall be grounds for immediate termination of employment. In the event an employee consents to a substance test but fails to sign a Substance Test Consent Form, his/her failure will not invalidate the consent for the testing.

At the discretion of Davis & Elkins College, employees suspected of violating this policy may be placed on administrative leave pending test results.

Post-Accident Testing

If Davis & Elkins College has reasonable cause to believe an employee has caused an on-the-job injury that is considered recordable under Occupational Safety and Health Administration (OSHA) guidelines (i.e., requiring medical treatment) as a result of being under the influence of drugs, alcohol or other prohibited substances, the supervisor may require the injured employee to undergo a post-accident substance test. Refusal to submit to the substance test shall be grounds for immediate termination of employment.

Fitness for Duty Testing

Employees suspected to be unfit for duty as a result of the use or reasonably suspected use of substances will be subject to substance testing. An employee, who appears to be under the influence of substance(s), at the sole discretion of Davis & Elkins College, should be removed from the work area and provided with transportation to the place of testing. Davis & Elkins College should call the emergency contact indicated by the employee or, if unavailable, arrange for other means to transport the employee home following the test. Refusal to submit to substance test will be grounds for immediate termination of employment.

Random Selection Testing

Davis & Elkins College employees who operate College-owned vehicles, equipment, machinery, or other potentially hazardous items are subject to random, no-notice substance testing. Where random testing is prohibited or restricted by applicable state or local statute or regulation, or other legally-binding agreement, Davis & Elkins College will conform to all applicable laws, regulations, and agreements notwithstanding the provisions of this policy.

Alteration of Sample

Specimens reported by the testing laboratory as adulterated or substituted will be considered a refusal to test, and constitute grounds for immediate termination of employment or ineligibility for hire.

Workplace Searches

Davis & Elkins College may conduct searches of College property, including lockers, and an employee's personal property in cases where there is reasonable cause to suspect a violation of this policy. While no search will be conducted without an employee's consent, consent to search is a condition of continued employment with Davis & Elkins College. An employee who refuses to cooperate in the conducting of such searches will be subject to disciplinary action up to and including termination of employment.

Collection of Samples

As set forth in the Substance Test Consent Form, testing samples will be collected by a qualified individual only. Collection of samples will be performed under reasonable and sanitary conditions. The chain of custody of a sample will be recorded, and this record should be retained.

Off-Premise Use

Davis & Elkins College reserves the right to suspend without pay any employee who has been arrested for criminal offenses related to the manufacture, possession, sale, use,

distribution, dispensation, receipt, or transport of any illegal substance pending resolution of the charges to the College's satisfaction.

Confidentiality of Test Results

All test results will be handled on a confidential basis and will be available only to Davis & Elkins College personnel who have a need to know such results. The Human Resources Director or his or her designated representative will determine who will have access to these records.

3.3.13 Emergency and Weather Related Absences

At times, emergencies such as severe weather, fires, power failures, or earthquakes can disrupt College operations. In extreme cases, these circumstances may require the closing of a work facility.

If staff members are absent due to weather conditions when the College remains open, they must take vacation or leave without pay for work time missed.

When the College is officially shut down because of inclement weather, the resulting absence of personnel during scheduled work time is considered as administrative leave with pay. Anyone required to work during such shutdown is not eligible for extra pay or compensatory time off. Persons on leave other than administrative leave at the time of the shutdown will be considered to continue on such leave other than administrative leave.

Part-time employees are not compensated when they do not work during a shutdown.

Only the President of the College or designated representative may make the decision to close the institution. Public announcement of such unscheduled closing will be made by the President, his or her designee, or the Vice President for Academic Affairs.

When the decision to close is made AFTER the workday has begun, employees will receive official notification from either their immediate supervisor or other designated College officials by email or phone. In these situations, time off from scheduled work will be paid.

3.3.14 Emergency Response Responsibilities

Employees who witness an emergency situation related to weather, health (immediate or perceived danger to an individual or others), criminal activity, etc., are requested to contact Office of Emergency Management at 911 and the Office of Public Safety at 304-704-9111, who will then direct/take the appropriate actions as outlined in the [Emergency Response and Safety Plan](#).

A CARE/Behavior Intervention Team referral (<http://www.dewv.edu/form/risk-student-reporting-form>) must also be made in circumstances where a student is engaging in self-injurious behavior/suicidal ideation or attempt, or erratic behavior (including online activities) that disrupts the mission of the College and/or the normal activities of students, faculty, staff or the community.

In addition to the above, College employees are responsible for abiding by the College's various Security and Safety related policies, which are set forth in the [Volume II](#), Section 2.3 of the *Davis & Elkins College Policy Manual*.

3.3.15 Employee Rights and Responsibilities

3.3.15.1 Staff Rights and Responsibilities

Employees are expected to demonstrate high professional and ethical standards, while meeting the duties of their jobs, respect their co-workers and students, comply with the College policies, procedures, and other requirements as well as respect applicable laws. In return, College employees have a number of rights in relation to their jobs, the way they are treated, and the environment in which they work. This policy outlines what employees can expect of the workplace and their responsibilities in relation to the workplace.

Rights

1. To work in a positive and respectful workplace.
2. To be treated fairly and consistently.
3. To have the opportunity to contribute.
4. To be free from harassment and discrimination.
5. To work and be paid for the hours for which they have been employed.
6. To be provided with a well-defined job.
7. To be oriented to their job, as well as to their role and the roles of their colleagues.
8. To participate in a performance evaluation process and receive feedback on their work.
9. To be oriented to the College organization, policies and procedures, as well as any health and safety rules and regulations that impact their work and personal safety.
10. To work in a safe environment, secure from harm, free of hazards and supplied with safe equipment to meet the demands of their job.

If an employee believes that their rights have not been met they are asked to discuss the problem with their immediate supervisor or the Director of Human Resources. In addition, the College's Staff Grievance policies may be utilized as applicable.

Responsibilities

1. To demonstrate high professional and ethical standards in the performance of their jobs.
2. To perform their job to a reasonable and acceptable standard.
3. To work the agreed upon hours.
4. To organize their private affairs so they can attend work on a regular basis.
5. To treat co-workers, students, and the public with respect.

6. To assist in the creation of a positive workplace.
7. To conduct themselves with honesty and integrity.
8. To abide by College policies, procedures, and other requirements.
9. To be respectful of College property and the property of co-workers.
10. To represent the College, both at work and in the community, in a responsible, professional, ethical and collegial manner, conducting themselves in such a way as to enhance the mission of the College and to not seriously prejudice the College's interests or reputation.
11. To respect local laws, customs, and traditions.

If an employee is uncertain as to what is acceptable behavior, the employee should seek guidance from their immediate supervisor or Human Resources.

3.3.15.2 Faculty Rights and Responsibilities

The rights and responsibilities of individuals granted faculty status at Davis & Elkins College are set forth in the [Faculty Handbook](#).

3.3.16 Employees with Disabilities

3.3.16.1 Disability Accommodations

It is the policy of Davis & Elkins College to comply with all the relevant and applicable provisions of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1974 ("Section 504"). The College will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability, so long as the employee can perform the essential functions of the position as described in the position's job description.

The College will make reasonable accommodations for qualified employees or applicants with known disabilities unless to do so would result in an undue hardship as that term is defined under applicable law. All decisions made by the College regarding the granting of reasonable accommodations are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified employees or applicants who wish to request a reasonable accommodation may contact Human Resources. The College reserves the right to request additional documentation if the initial documentation provided by the employee is incomplete or inadequate to determine the need for accommodations.

This policy does not create an express or implied contract of employment. Applicants with conditional job offers or employees are subject to withdrawal of offers or termination at any time, for any reason, except as otherwise prohibited by law.

3.3.17 Employee Ethical Conduct Policy

All employees and individuals representing Davis & Elkins College, within the scope of their employment, are expected to conduct themselves ethically, honestly and with integrity and agree to adhere to the following Code of Ethics:

1. Proper operation of the College requires that employees provide responsible service and use the designated organizational channels when seeking decisions and policy determinations.
2. Davis & Elkins College employees are expected to behave in a professional, business-like manner at work, on College premises, whenever representing the College, or within the scope of their employment. Employees are accountable for behavior outside of work that has a negative impact on the individual's ability to perform their responsibilities at work.
3. Davis & Elkins College employees are bound to observe, in their official acts and while within the scope of their employment, the highest standards of ethics and morality and to faithfully discharge the duties of their position regardless of personal considerations.
4. Davis & Elkins College employees must not act in any way to intentionally breach College policy and procedure or federal, state or local laws, nor should they ask others to do so.
5. When engaging in business or financial transactions on behalf of the College, either directly or indirectly, Davis & Elkins College employees must refrain from actual or potential conflicts of interest (see Conflict of Interest Policy 3.3.7).
6. Davis & Elkins College employees must protect confidential information concerning members of the campus community.

Engaging in behavior and conduct that violates the College's Code of Ethics could lead to corrective disciplinary action up to and including an unpaid suspension, or termination of employment without prior warning.

3.3.18 Fundraising Activities

To avoid conflicts, it is the policy of Davis & Elkins College that no employee or College organization solicit an outright donation or gift-in-kind in the name of the College without clearance in advance from the Office of Institutional Advancement. This includes the solicitation of ads for ad books, sponsorships, gifts of equipment, or direct contributions of money, plus anything else that qualifies as a "donation." See the College's Fundraising policies in Volume II of the *Davis & Elkins College Policy Manual* for additional information.

3.3.19 Contact with Governmental Officials

The purpose of the Government Contact Policy is to facilitate and coordinate contacts with government officials, including staff, to ensure compliance with state and federal

laws and to keep the Cabinet and the Office of the President better informed of the College's continued relationship with state and federal government.

This policy recognizes the right of citizens to petition their elected representatives or professional employees contacting elected officials on behalf of professional societies they may represent. Nothing in this policy is intended to limit the right of individuals to these appropriate contacts. Rather, the intent is to ensure that official College positions and priorities are expressed by the appropriate designated representative of the College.

Personal Contact

Contacts with government officials and staff of a personal nature, whether in writing or in person, must be made in the name of the individual making the contact and shall in no way imply that the contact is being made on behalf of the College. College letterhead or email signatures may not be used in presenting personal views. Contact made on behalf of professional society's must be done in the name of the individual making the contact on behalf of the professional society and not on behalf of the College. Reference to the affiliation with the College may be made as an aide to identification.

Official College Contact

Faculty and staff who wish to contact government officials for participation in public or academic events must notify Vice President for Enrollment Management and Institutional Advancement in advance for approval. Requests for the support of a government official shall be approved by the Vice President for Enrollment Management and Institutional Advancement. Prior to inviting a government official to campus in their official capacity, the Vice President for Enrollment Management and Institutional Advancement shall be notified to ensure consideration of political sensitivities.

Faculty and staff who wish to contact government officials for technical assistance, to request an audit or an inspection must notify the Office of Compliance for assistance.

Official Requests from Government Officials

When requests for information, expertise, resources, visits, or inspections are received from governmental officials, faculty staff must notify the Office of Compliance for assistance with the request, including coordination with the relevant College offices as appropriate.

If a governing body issues a report, sanctions or findings, the information shall be directed to the Office of Compliance.

3.3.20 Grievances

3.3.20.1 Staff Grievances

Davis & Elkins College recognizes and endorses the importance of fair procedures for reviewing grievances and complaints properly without fear of prejudice or reprisal. Accordingly, the College agrees to use its best efforts to encourage the informal and prompt settlement of grievances, as defined below.

A grievance is defined as an alleged misapplication, misinterpretation, or violation of any College policy applicable to a staff employee. In addition, this process may be used by a non-faculty member who desires to appeal any disciplinary action imposed by a supervisor. Any other concern will be treated as a complaint and be addressed by the employee's immediate supervisor.

The following issues, however, cannot be made the subject of a grievance pursuant to this policy:

1. Determination or content of a College policy, procedure, rule or regulation appropriately approved by the College governance system;
2. Those items falling within the jurisdiction of other College policies and procedures (i.e., discrimination and harassment claims);
3. Normal actions taken or recommendations made by members of the College administration or applicable committee members acting in an official capacity in the grievance process;
4. Failure to satisfy the grievant after the grievance process has been completed.

By taking appropriate action to conform with this policy and procedure, supervisors and executive and administrative staff will demonstrate that problems, complaints and grievances can be discussed without affecting an employee's position. There shall be no punishment resulting from the filing of a grievance, and resorting to this procedure shall not affect an employee's job status or possibilities for advancement.

At any time throughout the grievance procedure, an employee may withdraw his/her grievance. However, withdrawal from the proceedings may result in forfeiture of rights to further proceedings. Also, a grievant's failure to attend any procedure of which written notice was given, or a grievant's failure to notify in writing at least 24 hours prior to the proceeding of his or her inability to attend, will constitute grounds for dismissal of the grievance.

The interpretation of "day" within this section is to be normal workdays (Monday through Friday) exclusive of official institutional holidays. Time limits may be extended by mutual agreement whenever necessary.

Only full-time and part-time regular non-faculty employees may utilize these grievance procedures. Faculty members may utilize the Faculty Grievance Policy set forth in the [Faculty Handbook](#).

Procedures:

STEP I: Discussion with Immediate Supervisor

In order to minimize the possibility of misunderstanding, employees are required to discuss their problems or complaints with their immediate supervisor within five (5) working days of the occurrence of the problem creating the grievance. The supervisor will investigate and obtain all pertinent factual information and provide a written answer within five (5) working days, with full explanation and reason for the decision. In most cases, grievances can be settled at this level to the mutual satisfaction to all concerned.

STEP II: Written Communication to the Cabinet

If the results of the discussions with the immediate supervisor are not satisfactory, the employee may submit the grievance in writing, with a full explanation of his/her position, within five (5) working days after receipt of the decision, to the appropriate Cabinet member, with a copy to the immediate supervisor. The appropriate Cabinet member shall schedule a meeting with the grievant, the grievant's immediate supervisor, and, if requested by the grievant, any other party involved, within five (5) working days after receipt of the grievance. At this meeting, the parties may present any evidence they have in support of their positions. The Cabinet member will review all of the evidence presented as well as the statements of the parties, and will reply in writing to the grievant within five (5) working days after the meeting, with a full explanation and reason for his/her decisions.

STEP III: Appeal to President

If the grievant does not agree with the decision rendered at Step II, the grievant may, within five (5) working days after receipt of the Step II decision, submit a written appeal to the President or his or her designee, with a copy to the immediate supervisor and the appropriate Cabinet member. At this time, all written materials and any evidence presented to the Cabinet member shall be submitted to the President or his or her designee, for final review. The decision of the President or person designated by the President shall be made in writing to the grievant within ten (10) working days after receipt of the appeal. The President's decision shall be final unless s/he is a direct party to the grievance in the first instance. If the President of the College is a direct party to the grievance in the first instance, the grievant(s) may file an appeal, beyond that provided above, within ten (10) days of the receipt of the President's final decision. Such an appeal is filed with the Executive Committee Chair of the Board of Trustees. The decision of the Executive Committee of the Board of Trustees is final.

The policy outlined herein does not include complaints of sex discrimination as they relate to Title IX of the Education Amendments of 1972 and handicap discrimination as related to Section 504 of the Rehabilitation Act of 1973. All grievances pertaining to alleged incidents of discrimination and harassments will be addressed and resolved pursuant to the Discrimination and Harassment Policy ([Volume II](#) of the *Davis & Elkins College Policy Manual*).

Additional Provisions:

1. The filing or pendency of any grievance under the provisions of this policy shall not prevent the College from taking action, subject, however, to a final decision regarding the grievance.

2. Failure at any step of this procedure to communicate the decision regarding the grievance within the specified time limits or such additional period of time, as may be mutually agreed upon in writing, will permit the grievant to proceed to the next step.
3. Failure at any step of this procedure to appeal a grievance to the next step within the specified time limits, or such additional period of time as may be mutually agreed upon in writing, will be deemed to be acceptance of the decision rendered at that step.

3.3.20.2 Faculty Grievances

Members of the full-time faculty who believe there has been an alleged misapplication, misinterpretation, or violation of any provision in the [Faculty Handbook](#) may file a grievance in accordance with the *Faculty Handbook's* Faculty Grievance Policy. Any other faculty concern will be treated as a complaint, which should be brought to the attention of the faculty member's chair or the Vice President for Academic Affairs.

3.3.21 Identification Cards

Identification cards are issued to all employees, full-time and part-time, regular and temporary. When an employee terminates employment with the College, the I.D. card must be surrendered to Human Resources.

Lost I.D. cards must be reported to the employee's immediate supervisor as well as to the Office of Public Safety and Human Resources. A new I.D. card will be authorized by Human Resources to replace a lost card or when an employee's name changes. Other changes that make a card incorrect or outdated should be reported to Human Resources, which will determine if a new card must be issued.

I.D. cards may be required for admission to or participation in various College programs or to use College facilities and services. An employee's I.D. card may be used by an immediate family member (spouse or child); however, such use is subject to conditions as may be established individually by the facility or service. Unauthorized use of an I.D. card is a serious offense that could lead to the dismissal of the employee involved.

3.3.22 Information Technology Resources

3.3.22.1 Use of College Information Technology Resources

The computer systems, computer hardware, computer software, communications equipment, and technology spaces ("information technology") at Davis & Elkins College are provided to assist students and employees in the pursuit, collection, and presentation of academic information. Because these information technologies are the property of the College, their operation by individuals associated with the College must be in accordance with the College's policies and federal and state laws, as well as be guided by the mission of the institution. Policies pertaining to the use of the College's information technologies, including the use of computer resources, email systems, and mobile devices and violations thereof are set forth on the My D&E webpage at <https://www.dewv.edu/my-de>.

In response to complaints presenting evidence of violation of any College policies or state or federal laws, the College may restrict the use of its computers and information technology systems and impose further disciplinary action if deemed necessary.

3.3.22.2 Personal Use of Social Media by College Employees

Personal use (e.g., when an employee uses social networking sites as part of the employee's personal life) of Davis & Elkins College information technology resources during business hours to access social networking sites or posting of blogs must be limited to incidental use. Incidental use must not interfere with an individual's performance of assigned job responsibilities or someone else's job performance or compromise the functionality of the campus network.

In using such sites or mediums, employees must refrain from presenting personal opinions in ways that imply endorsement by the College. If posted material may reasonably be construed as implying the support, endorsement, or opposition of the College with regard to any personal statements, including opinions or views on any issue, the material must be accompanied by an explicit statement that the individual is speaking for oneself and not as a representative of the College. In addition, an employee's personal use of social media or electronic postings must be consistent with College policy. Examples of postings that are contrary to College policy include, but are not limited to the following:

1. Unlawful discriminatory or harassing behavior against a member of the College community;
2. Posting of materials or information in violation of the College's Confidential Information or Student Records policies or provisions protecting trade secrets contained in any College confidentiality agreement;
3. Posting statements that are unlawfully defaming or disparaging to Davis & Elkins College, its employees, students, or work product; or,
4. Non-approved use of the Davis & Elkins College name or the posting of the College's seal, logo, trade and service mark, monograms, or images.

Employees are also cautioned not to post information, photos, or other items online that could reflect negatively on the College's mission.

In response to concerns or complaints or information provided by individuals, College administrators may access profiles on social networking sites and may use the information in informal or formal disciplinary proceedings.

3.3.23 Interactions with Accreditation and Government Agencies

All official dealings on behalf of Davis & Elkins College with government or accreditation offices, boards, and agencies are subject to the direction of the President or an authorized designee. Individuals seeking to make an appearance on behalf of the College before such offices, boards, and agencies must obtain permission from the President's Office. Similarly, any legal, regulatory, or governmental or accreditation

body inquiry or action must initially be referred to the President or an authorized designee.

3.3.24 Keys and Electronic Access Cards

Keys and electronic access cards necessary for an individual employee's use are signed out from the Physical Plant. Responsible care of all such keys and/or cards is expected. The employee is responsible for returning keys and access cards to the Physical Plant, their supervisors, or Human Resources at the conclusion of his/her employment with the College. A charge will be levied to cover the cost of a lost key or access card and other related costs, such as replacement of the door core, if necessary.

3.3.25 Lactation Accommodation and Rooms

The College will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for her infant child. The break time will be unpaid. Moreover, Davis & Elkins College makes reasonable efforts to provide employees with private spaces on campus for breast feeding, including the use of the Women's Lounge on the second floor of Liberal Arts Hall.

3.3.26 Outside Employment

The College's Outside Employment Policy prescribes the regulations and conditions pertaining to the assumption of non-College employment by full-time Cabinet members, administration, staff, and faculty employees.

3.3.26.1 Staff

Cabinet Members and Administrative Staff Personnel: The duties and responsibilities assigned to members of the Cabinet and administrative staff are regarded as being sufficiently significant and demanding as to preclude outside employment. Davis & Elkins College regards its Cabinet and administration positions as primary and first in responsibility as it relates to a person's employment with the College.

Full-time Cabinet and administrative staff personnel wishing to engage in remunerative employment outside the College are required to submit the request in writing to the President or appropriate vice president, respectively for written approval. The written request must then be submitted annually thereafter as applicable. In the event approval is given to be active in non-College employment, this permission may be rescinded if there is cause to believe the Cabinet member or administrator's effectiveness is reduced because of involvement in non-College employment or the Outside Employment Guidelines set forth below are otherwise violated.

All Other Staff Personnel: College employment shall be the principal vocation of full-time employees. However, a full-time staff employee may engage in outside employment subject to the Outside Employment Guidelines set forth below.

Outside Employment Guidelines:

1. Outside employment may not interfere with the efficient performance of the College assignment, including but not limited to coinciding or conflicting with hours of

scheduled work at the College and/or causing an employee to arrive late for, or leave early from, any scheduled shift or work hours in the College job.

2. The outside job may not conflict with the interests of the College, have a derogatory effect on the College, or otherwise require the employee to disclose confidential information.
3. Outside employment may not be of a type that would reasonably give rise to criticism or suspicion of conflicting interests or duties.
4. Should an unanticipated conflict of interest result from the outside employment, the Director of Human Resources, or designee, in conjunction with the appropriate administrator will, upon learning of such conflict, instruct the employee to terminate the outside employment. Failure to cease the outside employment as directed may be grounds for involuntary termination from College employment.

To assure compliance with Internal Revenue Service (IRS) regulations, an employee who has controlling interests (owns at least 50% or more) of an outside company must report any contributions made to a Qualified Retirement Plan, Simplified Employee Pension plan, Individual Retirement Account (SEP-IRA) or any other retirement investment vehicle. Contributions made must be reported immediately to the Human Resources Office to ensure Internal Revenue Service plan limits are not exceeded.

Note: An employee may perform outside employment while on vacation, holiday or special leave as long as the outside employment does not constitute a conflict of interest with the College.

3.3.26.2 Faculty

Conditions applicable to external professional activities, consulting, grants and contracts, and outside employment of faculty members employed full-time at Davis & Elkins College are set forth in the [Faculty Handbook](#).

3.3.27 Performance Assessments

3.3.27.1 Cabinet Member Performance Assessments

The focus of the President's annual evaluation of members of the Cabinet is on setting individual and unit performance goals and monitoring achievement towards meeting those goals. The President's evaluation identifies areas of high performance, as well as areas of performance that may require improvement.

Process

Each year, members of the Cabinet are requested to submit a narrative summary outlining their accomplishments towards meeting their job duties and responsibilities and performance goals. Following receipt of the summary, the President will prepare a written evaluation of the Cabinet member's performance. The President and Cabinet member will then review and establish individual and unit (area) goals for the next evaluation period. All performance evaluations are confidential and are made available only to the employee, the President, or other parties with a legitimate need for such

information. If the Cabinet member is dissatisfied with the annual evaluation, he or she may present additional comments that will be appended to the President's evaluation.

3.3.27.2 Staff Performance Assessments

Staff employees are evaluated by their immediate supervisors annually. Evaluations are scheduled at the mutual convenience of the employee and the supervisor. All performance evaluations shall be confidential and shall be made available only to the employee, the supervisor, Human Resources, the President, or other parties with a legitimate need for such information.

The primary purposes of the employee performance evaluation shall be to provide employees and their supervisors with the opportunity to engage in an, informative discussion (1) to inform employees of their work performance; (2) to promote healthy communication and/or constructive criticism between employees and supervisors; (3) to advise employees as to how they may better perform duties assigned; and (4) to give employees an opportunity to comment and make suggestions as to how their work may better benefit the department as well as the College. The evaluation may be used (a) in determining a salary increase; (b) as a factor in determining the order of lay-off; and (c) in making training, transfer, promotion, demotion or discharge decisions.

3.3.27.3 Faculty Performance Assessments

Members of the full-time faculty are assessed pursuant to faculty evaluation policies and procedures set forth in the [Faculty Handbook](#). These policies and procedures provide faculty with tools for continuous improvement, including self-evaluation and goal-setting, in conjunction with student evaluations, as well as peer-to-peer review and administrative mentoring.

In addition, part-time and special status faculty are assessed by their department or division chairs as set forth in the [Faculty Handbook](#). These evaluations are augmented by student evaluations for each course taught. See the [Faculty Handbook](#) for additional information.

3.3.28 Personal Appearance

During business hours or when representing Davis & Elkins College, employees are expected to present a clean, neat, and tasteful appearance. Employees should dress and groom themselves according to the requirements of their position and accepted social standards. This is particularly true if an employee's job involves dealing with customers or visitors in person. Dressing in a fashion that is clearly unprofessional, that is deemed unsafe, or that negatively affects Davis & Elkins College's reputation or image is not acceptable. If an employee's personal appearance is inappropriate, the employee will be asked to leave the workplace until the employee is properly dressed or groomed.

3.3.29 Personnel Files

The College shall maintain an official personnel file for each employee at the Human Resources Office. In addition, certain employment documents pertaining to faculty

members are maintained in the Vice President for Academic Affairs' office (see [Faculty Handbook](#)).

The contents of such a file shall be determined by the College and may contain copies of personnel transactions, correspondence with the employee, employee performance evaluations and disciplinary actions.

This personnel file will be available for examination by the employee at reasonable hours upon request to the Director of Human Resources.

The employee may, at a reasonable charge, make or obtain copies of the material in the personnel file upon request to the Director of Human Resources.

In the event that there is a disagreement regarding the accuracy of original data in the employee's Human Resources file, the employee is to identify the inaccuracy in writing stipulating whether a correction or removal of alleged inaccurate data is being sought. The College will determine whether or not to correct or to remove the alleged inaccurate data from a file and subsequently inform the employee of the determination in writing. If a request to correct or remove allegedly inaccurate data is accepted as submitted by the employee, no record of the original data or the request for correction or removal will be maintained in the employee's file. However, a copy of a written denial to change or remove data will become part of the employee's file. Moreover, the employee may attach comments to any document in his/her file or add any pertinent documents or data to his/her file after notifying the Director of Human Resources of his/her intention to do so.

Without the employee's consent, the contents of his/her personnel file may not be disclosed to unauthorized persons unless otherwise required by law or ordered by a court of competent jurisdiction. Responses to employee verification requests, however, are permitted by the Director of Human Resources (or a designee) and will be solely restricted to dates of employment and the last or current position held. Authorized persons, including but not limited to the employee, his/her Cabinet member, the President, the Director of Human Resources, and the Vice President for Business and Administration, may see the contents of a personnel file.

Note: The foregoing should not be construed as prohibiting College from publishing an employee directory, which lists the employee's name, College email address, and work telephone number extension.

3.3.29.1 Change in Personal Data

It is the employee's responsibility to inform Human Resources in writing as soon as feasible of any changes in personal information. Specifically, employees are requested to notify human resources of any changes in:

1. Name and/or marital status;
2. Address and/or telephone number;
3. Number of eligible dependents;
4. W-4 deductions;

5. Person to contact in case of emergency; or
6. Copies of any educational certificates, diplomas, professional certificates, or degrees received by employees after joining the College.

3.3.30 Professional Development

3.3.30.1 Cabinet and Staff Personnel

Professional development activities for Cabinet members and staff personnel at Davis & Elkins College include continuing education and skills enhancement. College courses, continuing education programs, on and off-campus seminars and on-the-job training are some of the possible vehicles for realizing professional goals and broadening career opportunities and are most commonly provided as financial resources allow on the departmental level. Employees should contact their immediate supervisor for additional information regarding current development opportunities. In addition to the above, the College routinely provides training programs addressing FERPA, OSHA, information technology, harassment and discrimination and other pertinent areas. Contact Human Resources for additional information.

3.3.30.2 Faculty

Davis & Elkins College offers a variety of programs to support faculty development, including numerous externally funded faculty development institutes, programs, and experiences. The College also supports faculty development activities by reimbursing full-time faculty members for membership dues in appropriate learned or professional societies or other organizations clearly related to his/her College duties, as well as for attendance at professional meetings. A comprehensive sabbatical leave program is also available to eligible full-time faculty members. See the *Faculty Handbook* for additional information.

3.3.31 Publicity and News Releases

The Office of Communications and Marketing is responsible for all relations the College may have with the news media. In accordance with the College's Media Relations Policy (see [Volume II](#) of the *Davis & Elkins College Policy Manual*), the Office of Communications and Marketing must be made aware of any institutional contact with the media to ensure that statements are coordinated with the appropriate College representative. All requests by the news media for information about the College will be referred to the Office of Communications and Marketing.

In case of a crisis, the President serves as spokesperson for the College or will designate a spokesperson on the College's behalf.

3.3.32 Purchasing

The College's Business Office processes purchasing requests that exceed a certain dollar amount set by the Board of Trustees. The College's purchasing policies and procedures are set forth in [Volume VII](#) of the *Davis & Elkins College Policy Manual*. Employees who fail to adhere to prescribed purchasing procedures do so at the risk of personal

financial liability. The College is not obligated to pay for goods or services when proper procedures have not been followed.

3.3.33 Record Retention

The College recognizes that the efficient management of its records is necessary to support its core functions, to comply with its regulatory obligations, to contribute to the effective overall management of the institution, to preserve its history, and to ensure that records that are no longer needed or are of no value are discarded at the appropriate time. Davis & Elkins College, therefore, requires that its records be managed in a systematic and logical manner according to the Record Retention Schedule outlined in Appendix 1.

This policy applies to all College personnel and covers all records, without regard to format, including but not limited to documents in paper, electronic, and other media formats, which are made, produced, executed, received or maintained by employees of the institution in the course of carrying out their College functions. Records and documentation created in the course of research, whether internally or externally funded, are also subject to contractual record-keeping requirements.

1. The College has established a records retention team, which consists of the College's Cabinet. The team is responsible for overseeing the College's Record Retention Program, as well as annually reviewing this policy and the Record Retention Schedule of documents (see Appendix 1).
2. Each division/department head of the College will be responsible for ensuring that his or her division or department retains records on behalf of the College. Each division/department will create and retain a division/department Records Retention Schedule and the member of the Cabinet with oversight of the division/department is responsible for executing and overseeing the execution of that schedule. The records retention team will review each division/department's schedule of retention document to include in the College-wide Records Retention Schedule (see Appendix 1). Each division/department head will be responsible for reviewing and updating the schedule and, if necessary, make recommendations to the records retention team of required changes.
3. College records shall be retained for a period specified in the College Records Retention Schedule (see Appendix 1) to ensure that efficient and effective retention of Davis & Elkins College records are well documented and enforced.
4. College records, in their original form, may be destroyed after they have been retained for the minimum period (see Destruction of Records below). At the discretion of the division/department and with the approval of the appropriate vice president or director, records may be retained for a longer period of time.
5. The minimum retention period will commence from the date of the last transaction entered in the records, such as completion of a contract or research pursuant to a grant. Unless otherwise specified, the retention period set forth in the schedule begins at this point in time.
6. The President may exempt from destruction documents created or received that he or she determines are historically, strategically, or otherwise valuable to the College. In

addition, data stored on obsolete electronic administrative systems may be exempt from destruction as determined by the President (or a designee) on a case-by-case basis.

Filing, Archiving and Storing of Documents

1. Documents are stored in secured areas while in active use, within access of the employees using the documents.
2. At the end of active use, documents to be retained pursuant to the Record Retention Schedule are moved to the identified archives for the documents.
3. The documents in current use shall be filed in accordance with division/department procedures.
4. Documents not in current use are placed in storage boxes. The box is marked with the following information to facilitate easy retrieval of the document when needed:
 - a. Box number;
 - b. Type of document placed within the box;
 - c. Date of storage; and
 - d. Applicable retention period for the storage of documents as per the Record Retention Schedule.
5. Boxes are stored in a safe location.
6. The College Archives are used to store historical information, including but not limited to copies of College publications, event programs, commencement programs, emeritus faculty files, retired faculty and administrator files, minutes of College standing committees, Board of Trustees minutes, copies of the Vice Presidents/Directors' reports to the Board and the President's annual report to the Board, and other pertinent historical information.

Destruction of Documents

1. Once the information has been preserved for the required period, a list of the records eligible for destruction is compiled and then authorized for destruction by the division/department head.
2. The documents are destroyed under proper supervision, keeping the following in mind:
 - a. All confidential documents must be either shredded or burned; and
 - b. Other documents will be disposed of in the fastest, most economical and environmentally friendly way.

Legal Holds

The destruction of records will be suspended immediately upon notice that an investigation, audit (other than an audit of the College's financial statements by its independent public accountants), or litigation is pending, imminent, or reasonably

foreseeable. The suspension will be tailored to cover only those documents relevant to the investigation, audit, or litigation.

Retention procedures will be suspended when, in the judgment of the College's outside legal counsel a record or group of records should be placed on legal hold. A legal hold requires preservation of appropriate records under special circumstances, such as litigation or government investigations. The College's outside legal counsel determines and identifies what College records are required to be placed under a legal hold.

Employees will be notified if a legal hold is placed on records for which they are responsible. Employees are then required to locate, index, segregate, and protect the necessary hard copy records and notify Information Services if the records are in electronic form. Any record that is relevant to a legal hold must be retained and preserved. Employees unsure whether a document is relevant to a legal hold should protect that document until they have checked with the College's legal counsel.

A legal hold remains effective until it is released in writing by legal counsel. After receiving written notice, employees may return all records relevant to the legal hold to their normal handling procedures and retention schedules.

Compliance

Failure on the part of employees to follow this policy can result in possible civil and criminal sanctions against the College and its employees and possible disciplinary action against responsible individuals. The records retention team will periodically review these procedures with legal counsel and the organization's certified public accountant to ensure that they are in compliance with new or revised regulations.

3.3.34 Recommendations and References

Personal references given by employees of Davis & Elkins College are discouraged. If an employee does decide to give a personal reference, the employee should first state that he or she is not permitted to speak on behalf of the College. Personal references must not be written on College letterhead or sent via a D&E email account. See the Guidelines for Providing Written Recommendations below for additional information.

As indicated in the College's Confidential Information Policy, requests for verification of employment must be directed to the Human Resources Office. Davis & Elkins College will not respond to any request for a verification of salary unless the request is accompanied by a signed authorization of the current or former employee.

Guidelines for Providing Written Recommendations

The following guidelines regarding written recommendations are based on advice offered by educational legal experts and are suggested to be followed when writing a recommendation for current or former students and/or employees.

Guidelines for writing recommendations for current or former students:

1. Obtain a written request or authorization for the recommendation;

2. State in the reference letter or email, *“This information is confidential, should be treated as such, and is provided at the request of [name of student], who has asked me to serve as a reference.”*;
3. Include only information known to be accurate;
4. If giving an opinion, explain the incident or circumstances upon which the opinion is based;
5. Be able to document all the information that is released in the letter or personal email;
6. If a “to whom it may concern” reference is requested, state (in the recommendation) that this was the type of reference requested and that the student takes responsibility for disseminating the letter to the appropriate persons;
7. Before disclosing educational information covered by FERPA (e.g. student’s transcripts, GPA, grades, Social Security numbers, etc.), the written consent of the student must be obtained; and
8. Avoid including information that might indicate the individual’s race, color, sex, religion, ancestry, national origin, age, sexual orientation, disability, veteran status, gender identification, or genetic information or any other characteristic protected by federal, state or local law unless that information is either relevant and/or readily known to the relevant parties (e.g. sex).

Guidelines for writing recommendations for current or former employees:

1. Obtain a written request or authorization for the recommendation;
2. State in the reference letter, *“This information is confidential, should be treated as such, and is provided at the request of [name of employee], who has asked me to serve as a reference.”*;
3. Include only information known to be accurate;
4. If giving an opinion, explain the incident or circumstances upon which the opinion is based;
5. Be able to document all the information you release;
6. If a “to whom it may concern” reference is requested, state (in the recommendation) that this was the type of reference requested and that the employee takes responsibility for disseminating the letter to the appropriate persons;
7. Do not disclose educational information covered by FERPA, even with the written consent of the employee;
8. Avoid including information that might indicate the individual’s race, color, sex, religion, ancestry, national origin, age, sexual orientation, disability, veteran status, gender identification, or genetic information or any other characteristic protected by federal, state or local law unless that information is either relevant and/or readily known to the relevant parties (e.g. sex); and,

9. In the event that the terms of dismissal of the employee requesting a recommendation are unknown to the reference, contact the office of Human Resources to determine whether or not a reference is appropriate. References are not to be given to employees who are terminated for cause.

3.3.35 Sexual Misconduct

Pursuant to the College's [Gender-based Discrimination, Harassment, and Sexual Misconduct Policy](#) (see [Volume II](#) of the *Davis & Elkins College Policy Manual*), sexual misconduct is unacceptable and will not be tolerated at Davis & Elkins College. Accordingly, Davis & Elkins College urges an individual to make a formal report if that individual is the victim of sexual misconduct, has knowledge of another person being the victim of sexual misconduct, or believes in good faith that he/she has witnessed a possible warning sign of sexual misconduct. A report of sexual misconduct will be dealt with promptly in accordance with the College's Discrimination and Harassment Policy (see [Volume II](#) of the *Davis & Elkins College Policy Manual*). Since claims of sexual misconduct will be investigated as a discrimination claim, confidentiality will be maintained to the greatest extent possible. Violators of the College's Sexual Misconduct Policy will be subject to disciplinary action that may include termination, expulsion, suspension, removal from campus, cancellation of contract, other appropriate institutional sanctions or any other means necessary to address the behavior. Prosecution by civil authorities may also occur.

Employee Reporting

All College community members are strongly encouraged to report information regarding any incident of sexual misconduct directly to the Title IX Coordinator or Deputy Title IX Coordinators. The College cannot take appropriate action unless incidents are reported to a Responsible Employee of the College. In general, most College employees do not have legally protected confidentiality. Under Title IX, the College is required to take immediate and corrective action if a Responsible Employee knew or, in the exercise of reasonable care, should have known about sexual or gender-based harassment that creates a hostile environment.

College employees with supervisory and leadership responsibilities on campus are considered Responsible Employees. This may include, for example, faculty advisors to student organizations, coaches, administrators, Resident Assistants, and other employees with a responsibility for student welfare. The College requires that all Responsible Employees share a report of alleged violations of the College's Discrimination and Harassment Policy, including sexual misconduct, with the Title IX/Section 504 Coordinator or a Deputy Title IX Coordinator so that the College can respond appropriately to end the conduct, prevent its recurrence and remedy its affects.

All students, employees, and guests are encouraged to immediately report any criminal incidents/activity and any other emergencies to the Office of Emergency Management by dialing 911 and/or the Office of Public Safety (304-740-9111). The federal law known as Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act requires colleges and universities receiving federal funds to report statistics concerning the

occurrence of certain criminal offenses reported to the Office of Public Safety. Pursuant to the Clery Act, certain employees, “Campus Security Authorities,” at Davis & Elkins College are required to report applicable criminal incidents to the Office of Public Safety.

At Davis & Elkins College, the following individuals are designated as Campus Security Authorities:

- Vice Presidents, Department/Division Chairs, Directors and Coaches;
- Any faculty member responsible for supervising any activities or programs that include direct contact with students outside of the classroom (includes all faculty advisors to student groups and organizations);
- Any staff member whose primary job description includes providing academic advice to students;
- Residence hall staff; and
- Student Life Office staff.

The criminal offenses for which these employees are required to disclose are murder/non-negligent manslaughter, negligent manslaughter, robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug abuse violations and weapons; carrying, possession, etc. The College is also required to report statistics for bias-related (hate) crimes. Only offenses that occur on campus, in or on non-campus buildings or property owned or controlled by the College, and public property within or immediately adjacent to the campus need to be reported. All sex offenses (forcible and non-forcible) and non-criminal incidents of gender-based discrimination and harassment should be reported to the Title IX Coordinator.

3.3.36 Smoking and Tobacco Use

Pursuant to the College’s Smoking and Tobacco Use Policy (see [Volume II](#) of the *Davis & Elkins College Policy Manual*), all campus buildings are smoke and tobacco free. Smoking and tobacco use outside of campus buildings is permitted only in areas where there are smoking receptacles. Smoking and the use of tobacco products are not permitted within 30 feet of main entrances and/or handicapped entrances to any building on campus. In addition, smoking and tobacco use is prohibited in all College owned and leased vehicles. Failure to comply with this policy will result in corrective action.

3.3.37 Solicitations

Davis & Elkins College prohibits the solicitation and the distribution of literature or any circulars or material by non-employees on the College’s premises. In addition, employees are not permitted to solicit for any reason on College property during working time. This prohibition applies to actual working time, not to break time, lunchtime or before or after work. All types of employee solicitations on College time are prohibited by this rule, including solicitations on behalf of or in opposition to any labor organization. Moreover, employees may not use the College’s information technology systems, including the electronic mail system, to solicit or proselytize for commercial ventures or charitable organizations, religious or political causes, outside organizations,

or other non-job-related solicitations. Finally, it is the policy of Davis & Elkins College that employees may not distribute literature, including circulars or any other materials, in any work area at any time.

3.3.38 Transfers and Promotions

3.3.38.1 Staff Transfers and Promotions

Once the staff employee has interviewed for a new position, has been offered and accepted the new position, the staff employee will be required to inform the current manager/supervisor and give as much notice as possible so as to ensure a smooth transition. The staff employee cannot then make another lateral move for 24 months. The only person with the authority to make an exception to this policy is the President.

Criminal, Sexual Offender and Credit History Screens: The College seeks to have the best-qualified employee in each position. To ensure a safe and productive workplace, the College has adopted a set of procedures for conducting various screens on employees being considered for promotion to certain designated positions within the College. When these positions are posted, this requirement will be clearly delineated among the qualifications for the position. The background checks may include but are not limited to a criminal history records check, sexual offender check, verification of the academic credentials, prior employment and the employee's Social Security number, credit history, verification of professional license and/or certification, and driver's license and record checks.

“Newly Hired” Status Period: Staff employees who are promoted or transferred to a new job may be required to serve a newly hired status period for that position. At the end of that period, the new manager/supervisor will complete a performance evaluation. If the employee is unable to satisfactorily fulfill the requirements of the new job, the employee may be considered for other job openings that exist, or employment may be terminated.

Salary Adjustments: Salary adjustments for lateral and promotional transfers are made in accordance with the College's wage and salary guidelines. In general, a staff employee who is promoted to a position is generally eligible for a salary increase. A staff employee who transfers to a lateral position is not eligible for a salary increase and the employee's salary rate may decrease.

3.3.38.2 Faculty Promotions in Rank

The [Faculty Handbook](#) provides the process by which individual members of the full-time faculty advance in rank.

3.3.39 Travel and Entertainment Expenses

It is essential that travelers review the College's Travel Expense Policy prior to incurring expenses. Reimbursement requests for College supported travel must be submitted within fifteen (15) days of occurrence and include receipts and statement of travel purpose. See [Volume VII](#) of the *Davis & Elkins College Policy Manual* for additional information.

3.3.40 Use of College Letterhead

Davis & Elkins College letterhead is reserved for correspondence regarding College business so that personal correspondence may not be assumed to be official College statements. Employees are reminded that as members of the College community, either individually or collectively, they may not officially use the name, seal, or logo of the College in any activity outside of the regular work of the College without advanced approval from the appropriate Cabinet member. See the Communications Standards Manual for additional information.

3.3.41 Visitors and Children in the Workplace

Visitors: Personal visitors in the workplace should be limited. A College employee must always accompany visitors. College employees are responsible for the conduct and safety of their visitors. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances. If an unauthorized individual is observed on College premises, employees are requested to immediately notify Public Safety at 304-704-9111.

Children: For reasons that include the safety of minor children and assuring the efficient performance of academic pursuits, operations and services, Davis & Elkins College generally does not accommodate minor children in campus workplaces, dormitories, or physical plants. Children under the age of 18 are only permitted in these areas when accompanied by a non-student parent or legal guardian, or as a direct consequence of participation in a recognized College program or activity specifically designated to include children. This policy does not prohibit children from the campus when the purpose of their visit is to attend events or to participate in activities specifically approved and scheduled for their benefit (i.e., camps, sponsored family activities, etc.).

Davis & Elkins College, however, does recognize and respects without discrimination the need to accommodate lactating mothers who choose to express breast milk (see the College's Employees with Disabilities Policy). Moreover, the College recognizes there may be an occasion when it becomes necessary to accommodate a minor child in the workplace. When those circumstances arise, it is expected that the child's stay on campus will be of short duration and that the following guidelines will be followed:

1. Permission must be sought from the employee's supervisor before bringing a child into the workplace;
2. Children visiting campus must be under direct supervision at all times. An employee bringing a child to campus is solely responsible for the child's supervision, safety, and actions and may not ask another employee to accept responsibility for looking after the child; and
3. Davis & Elkins College does not accept liability for the child's presence on campus.

3.3.42 Whistleblowers

Davis & Elkins College has a responsibility for the stewardship of College resources and the public and private support that enables it to pursue its mission. The College's internal

policies and operating procedures are intended to detect and prevent or deter improper activities. However, intentional and unintentional violations of laws, regulations, policies and procedures may occur and may constitute unlawful activities. The College has a responsibility to investigate and report to appropriate party's allegations of suspected improper activities, and to protect those individuals ("whistleblowers") who, in good faith, report these activities to the appropriate authority. This policy is not intended to replace or supersede any existing College policies, which may outline the normal courses of reporting specific infractions.

Reporting and Investigation

All employees of Davis & Elkins College (including Board of Trustees members, employees, volunteers, faculty, and vendors) are responsible for reporting instances of alleged financial misconduct or misuse of Davis & Elkins College resources that they reasonably believe to be illegal, dishonest, unethical, fraudulent, or not in compliance with College policy, or local, state, and federal laws.

Allegations of suspected improper financial activities or misuse of Davis & Elkins College resources may be made to the Compliance Officer, the appropriate Cabinet member, or via the College's Campus Conduct Hotline at 866-943-5787. All whistleblower reports received via the Campus Conduct Hotline will be forwarded to the Executive Assistant to the President and other College administrators.

The Executive Assistant to the President, Cabinet member, Compliance Officer or designee will investigate all complaints promptly and with discretion, and all information obtained will be handled on a "need to know" basis. In conducting an investigation, the Board may enlist outside legal, accounting, or other advisers, as appropriate, to conduct any investigation of complaints regarding financial statement disclosures, disclosure concerns or violations, accounting, internal accounting controls, auditing matters or violations of the College's policies. At the conclusion of the investigation, corrective action, up to and including termination, will be taken where the allegations are verified and/or otherwise substantiated. In addition, if illegal activity is suspected, the case may be referred to local law enforcement agencies.

Whistleblower Protection

Davis & Elkins College employees and/or Board of Trustee members may not retaliate against a whistleblower with the intent or effect of adversely affecting the terms or conditions of employment or enrollment. If the whistleblower has made a confidential report, the College will exercise reasonable care to keep the whistleblower's identity and the report confidential, unless:

1. The whistleblower agrees to the disclosure;
2. Disclosure is necessary to allow the College or law enforcement officials to investigate or respond effectively to the report;
3. Disclosure is required by law; or
4. The person(s) accused of violations by the whistleblower are entitled to the information as a matter of institutional due process in disciplinary proceedings.

When a person reports allegations of suspected improper activities to an appropriate authority, the report is known as a *protected disclosure*. Davis & Elkins College employees and applicants for employment who make a protected disclosure are protected from retaliation. A whistleblower who reasonably believes that a College employee or Board of Trustees member has acted in a retaliatory manner may file a written complaint with the President who will provide a copy to the chair of the Board of Trustees. Each retaliation complaint will be reviewed and investigated in a timely manner. A valid retaliation complaint will result in appropriate disciplinary action. Such disciplinary action may include termination, suspension, expulsion, cancellation of the applicable vendor contract, removal from campus, and/or any other action the College deems necessary.

The prohibition against retaliation is not intended to prohibit managers or supervisors from exercising legitimate supervisory responsibilities in the usual scope of their duties, other institutional policies, and valid performance-related factors.

Baseless Claims

A baseless claim results when an allegation is made with reckless disregard for its truth or falsity. A Davis & Elkins College community member who makes a baseless claim may be subject to disciplinary action by the College and/or legal recourse by individuals who are falsely accused.

Other Remedies and Appropriate Agencies

In addition to the internal complaint process set forth above, any member of the Davis & Elkins College community who has information concerning allegedly unlawful conduct may contact the appropriate government agency or the West Virginia State Attorney's Office.

3.3.43 Workplace Safety

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must comply with all occupational safety and health standards and regulations established by law and College policy. See [Volume II](#), Section 2.2 of the *Davis & Elkins College Policy Manual* for specific information regarding the College's safety and health related policies. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report such situations, may be subject to disciplinary action, up to and including suspension and/or termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees must immediately notify Human Resources or the appropriate supervisor.

3.3.44 Workplace Violence

Davis & Elkins College recognizes that workplace violence is a growing concern among employers and employees across the nation. Davis & Elkins College is committed to providing a safe and violence free workplace and strictly prohibits employees, visitors,

students, or any other persons on Davis & Elkins College property from behaving in a violent or threatening manner. As part of this policy, Davis & Elkins College seeks to prevent workplace violence before it begins and reserves the right to address behavior that suggests a propensity toward violence even prior to a threat of violent behavior and an act of violent behavior.

Although some violence results from societal pressures beyond the control of Davis & Elkins College, we believe measures can be adopted to increase the security of the workplace. This policy applies to all employees, visitors, business associates, and students of Davis & Elkins College and requires the cooperation and commitment of everyone. Preventing violence in the workplace is everyone's responsibility.

Every threat of violence is serious and must be treated as such. Examples of threats and actual acts of violence prohibited by this policy include:

1. Throwing, breaking, or damaging objects;
2. Screaming or yelling at others;
3. Actual physical or verbal attacks;
4. Making a verbal threat to harm another individual or destroy property;
5. Making menacing and threatening gestures;
6. Harassing or bullying others;
7. Stalking others;
8. Defacing property or causing physical damage to the facilities.

Employees are required to report any incident involving a threat of violence or act of violence immediately to their supervisor, another member of management, the Human Resource Office and, in the case of an emergency, the Office of Public Safety (304-704-9111). Any person who engages in a threat or violent action on Davis & Elkins College property may be removed from the premises as quickly as safety permits and may be required, at the discretion of Davis & Elkins College, to remain off Davis & Elkins College property pending the outcome of an investigation of the incident.

If faced with a potentially violent situation, the best approach is to remain calm and not respond in kind. Try to contact a supervisor or another member of management to assist in diffusing the situation. In the case of imminent danger to oneself or another employee, an employee must use individual judgment to determine if a call to the Office of Public Safety and/or law enforcement authorities is necessary. Employees may report any kind of violence or threats of violence without fear of reprisal.

3.4 Holidays, Vacation, and Leaves

3.4.1 Holidays

Davis & Elkins College is normally closed on such holidays as New Year's Day, Good Friday, Memorial Day, Independence Day, Thanksgiving Day, and Christmas Day. Variations in the College schedule and the workload to various offices demand that the

holiday schedule be kept flexible from year to year. The President will announce the campus holiday schedule at the beginning of each academic year.

- Fulltime employees are paid a normal day's wages for these Holidays.
- Regular part-time employees are also paid a normal day's wages on a pro-rated basis for these Holidays.

3.4.2 Vacation and Paid Time Off (PTO)

3.4.2.1 Vacation - Regular, Full-time Employees

To provide time off from work with pay for rest and personal convenience, the College provides full-time non-faculty regular employees with paid vacation. Full-time faculty serving pursuant to nine-month appointments are not eligible for paid vacation leave. Eligible employees accrue vacation as follows:

Full-time regular, professional staff, non-administrative staff members and 12-month faculty:

- *During the first 6 years of service:* 10 working days per year (accumulated at a rate of 6.25 hours per full month);
- *During the 7th-14th year of service:* 15 working days per year (accumulated at a rate of 9.375 hours per full month); and
- *15 or more years of service:* 20 working days per year (accumulated at a rate of 12.5 hours per full month).

The maximum accruable amount of vacation in a working year for full-time regular, professional staff, non-administrative staff members and 12-month faculty is 150 hours.

President, Cabinet, and Administrative Staff full-time, regular employees:

- *Regardless of years of service:* 22 working days per year is the maximum allowable.

The maximum accruable amount of vacation in a working year for the President, full-time Cabinet members and full-time Administrative Staff is 165 hours per year.

The working year is considered to run from July 1 through June 30.

All vacation time must be approved in advance by the employee's supervisor and reported on the appropriate form to the Human Resources Office.

Any full-time non-faculty, regular employee who is laid off, retired or separated from the service of the College for most reasons prior to taking all of the vacation days the employee has earned shall be compensated in cash for the unused vacation accumulated at the time of separation. Employees discharged with cause may not be eligible to receive payment for their accumulated unused vacation leave at the time of separation.

3.4.2.2 Paid Time Off – Regular, Part-time Employees

Regular, part-time non-faculty employees shall accrue Paid Time Off (PTO). The PTO Policy provides regular, part-time non-faculty employees with an entitlement of days

away from work with pay. PTO days may be used for vacation, personal time, illness or time off to care for dependents. PTO must be scheduled in advance and approved by the employee's supervisor, except in cases of illness or emergency. Questions about PTO earned and used should be referred to the Director of Human Resources.

Paid Time Off is earned on an accrual basis at a rate of 3.75 hours for each month worked. The maximum number of hours that may be accrued is 75. Earned, unused PTO may be carried over into the next year.

Terminated regular, part-time non-faculty employees will not be paid for their unused PTO.

Temporary and Part-time as Needed employees are not eligible for PTO or paid vacation.

3.4.3 Leaves of Absence

The following Leave of Absence policies apply to all eligible employees, including faculty. Leaves that apply only to faculty (i.e., unpaid leave of absence, sabbatical) are set forth in the [Faculty Handbook](#).

3.4.3.1 Election Day

Where it is necessary because of travel, employees are allowed an hour off (to be arranged with individual supervisors) on all election days in order to vote.

3.4.3.2 Family and Medical Leave

Family and medical leave will be provided to eligible employees in conformity with the [Family and Medical Leave Act](#) (FMLA). Eligible employees are entitled to:

1. A maximum of twelve (12) weeks of leave during a twelve-month period for any of the following reasons:
 - a. The birth of a child and to care for the newborn child within one year of birth;
 - b. The placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
 - c. Care of a child, spouse, or parent with a serious health condition;
 - d. A serious health condition that results in the employee's inability to perform the essential functions of the employee's job; or
 - e. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or
2. A maximum of 26 workweeks of leave during a single twelve-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

Leave Entitlement

An eligible employee may take up to twelve (12) weeks unpaid leave for the reasons set forth in paragraph 1 (a-e) above under this policy in a twelve (12) month period. The

twelve (12) month period is a rolling twelve (12) month period (i.e., no more than twelve (12) weeks FMLA may be taken in any twelve (12) month period). Any FMLA leave taken by an employee during the preceding twelve (12) month period will be used to determine the amount of available leave pursuant to the FMLA. Once the employee's leave exceeds the requirements of the FMLA, the College may have to fill the employee's position, as business circumstances may not allow the College to keep the position open.

Leave shall normally be continuous, except that leave for the care of a child, spouse or parent with a serious health condition or due to the employee's own serious health condition may be taken intermittently or on a reduced basis when medically necessary. See paragraph 7 of the Administrative Requirements section below for additional information.

Leave for a newborn child or adoption or foster care placement of a child must be completed within twelve (12) months of the birth, adoption, or placement, and the leave must be taken all at one time. Spouses employed by Davis & Elkins College are jointly entitled to a combined total of twelve (12) weeks of family leave for the birth or placement of a child, or to care for a parent who has a serious health condition. However, for other qualifying reasons under FMLA (other than military caregiver leave), each eligible spouse is entitled to twelve (12) workweeks of leave. If the employee and his or her spouse are employed by the College, they are limited to a combined total of twenty-six (26) workweeks of FMLA leave during a single twelve (12) month period for the care of a service member or veteran with a serious injury or illness (military caregiver leave).

Substance Abuse: FMLA leave is available for treatment for substance abuse or for the care of an immediate family member who is undergoing treatment for substance abuse. The patient must be undergoing treatment by a health care provider, and must not be using the substance in issue.

Military Caregiver Leave: Eligible employees are entitled to up to twenty-six (26) work weeks of unpaid FMLA leave in a single twelve (12) month period to care for a current member of the Armed Forces, National Guard or Reserves who has a serious injury or illness incurred or aggravated in the line of duty on active duty for which he/she is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is otherwise on the temporary disability retired list, or to care for a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness (as that term is defined by the Secretary of Labor) incurred or aggravated in the line of duty on active duty, provided the veteran was a member of the U.S. Armed Forces (including the National Guard or Reserves) during the five-year period preceding that medical treatment, recuperation, or therapy.

Definitions

Eligible Employee: One who has worked for Davis & Elkins College for at least twelve (12) months and has worked at least 1,250 hours during the twelve (12) months immediately preceding the requested leave.

Serious Health Condition: An illness, injury, impairment, physical or mental condition that results in (a) any period of incapacity or treatment related to inpatient care in a

hospital, hospice, or residential care facility, (b) any period of incapacity requiring absence from work, school, or other regular activity for more than three (3) calendar days that also involves continuing care [treatment two or more times by a health care provider or pursuant to a regimen of supervised care], (c) that requires continuing care by a health care provider for a chronic, serious health condition or which results in a period of incapacity, or (d) prenatal care.

Medical Necessity: Certification by a health care provider that a medical need can best be accommodated by an intermittent or reduced leave and outlining the expected duration and schedule of the intermittent or reduced leave.

Key Employee: An FMLA-eligible employee who is among the highest paid ten (10) percent of the employees employed within seventy-five (75) miles of the employee's worksite.

Qualifying Exigency: Qualifying exigencies are situations arising from the military deployment of an employee's spouse, son, daughter, or parent to a foreign country. Qualifying exigencies include the following:

- a. Short-notice deployment;
- b. Military events and related activities;
- c. Childcare and school activities of the service member's child;
- d. Financial and legal arrangements for the service member;
- e. Counseling;
- f. Rest and recuperation of the service member;
- g. Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member; or
- h. Additional activities that the employer and employee shall agree qualify as an exigency and agree to both the timing and duration of such leave.

Where a term is defined in the FMLA and/or accompanying regulations, that definition will be incorporated into this policy.

Administrative Requirements

1. **Use of Paid Leave:** Employees will be required to utilize their paid leave prior to receipt of unpaid FMLA leave, i.e., paid vacation and/or paid personal leave for leave taken pursuant to (1) and (2) above, and paid sick, vacation and personal leave for leave taken pursuant to (2) and (3) above. The period of this paid leave will be counted against the employee's total FMLA leave entitlement, as will any workers' compensation leave.
2. **Application for Leave:** Employees must give thirty (30) days advance notice of the need to take FMLA leave to Human Resources. When it is not possible to give thirty (30) days advance notice, notice must be given as soon as practicable, ordinarily

within one or two days of when the need for the leave becomes known to the employee.

- a. Failure to give adequate notice as outlined above may result in a delay of up to thirty (30) days before FMLA leave will be granted.
 - b. When requesting intermittent leave for medical treatments, employees must make reasonable efforts to schedule the leave so as not to unduly disrupt College operations.
 - c. After receiving a request for FMLA leave, the Director of Human Resources or a designee will inform the employee whether he or she is eligible under the FMLA. If eligible, the Director of Human Resources or designee will inform the employee about any additional information the employee must provide to qualify for FMLA leave as well as detail the employee's rights and responsibilities concerning FMLA leave. If the employee is not eligible for FMLA leave, the Director of Human Resources will inform the employee why he or she is not eligible.
3. **Medical Certification:** Employees must provide medical certification from an appropriate health care provider to support a FMLA request related to a serious health condition on a form which will be provided to the employee. This certification must be returned within fifteen (15) days under normal circumstances.
- a. If an employee provides medical certification that is questionable or inadequate, (s)he will be referred to a second provider at Davis & Elkins College's expense.
 - b. If the first and second opinions differ, a third opinion will be obtained, again at Davis & Elkins College's expense. The third health care provider will be selected by mutual agreement of the employee and Davis & Elkins College, and that opinion will be final and binding.

Note: [The Genetic Information Nondiscrimination Act of 2008](#) (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of employees or their family members. In order to comply with this law, the College requests that employees do not provide any genetic information when replying to this request for medical information. Genetic information, as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving reproductive services.

4. **Medical Re-Certification:** Employees on FMLA leave for pregnancy, chronic or long-term conditions under the continuing supervision of a health care provider will be required to submit monthly re-certifications or updated reports regarding the family member's or employee's current medical status. Employees must give advance notice of their intent to return to work, either as part of a monthly re-certification, or, when less leave is required than was anticipated, at least two days. Failure to meet the certification requirements may result in counting the employee's

days off against his or her attendance record; disciplinary action, up to and including termination; or denial of reinstatement following the leave.

5. **Prohibition on Working During FMLA Leave:** Except where express authorization is given, employees on FMLA leave are prohibited from performing any work, paid or unpaid, for any other person or entity, including the employee's own business. Violations of this prohibition may result in FMLA leave being revoked and the employee's prior days off being counted against his or her attendance record; disciplinary action, up to and including termination; or denial of reinstatement following the leave.
6. **Returning from FMLA Leave:** An employee taking a FMLA leave due to a serious health condition must present certification that (s)he is fit for duty prior to reinstatement. Failure to provide the requisite certification will result in denial of restoration to employment. In most cases, an employee returning from FMLA leave will be restored to the position previously held prior to FMLA leave, provided that position remains available. If that position is unavailable, the employee will be reinstated to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. An employee taking FMLA leave is not entitled to any greater right to reinstatement or other benefits than if continuously employed during the leave period. Key employees may be denied job restoration if such denial is necessary to prevent substantial and grievous economic harm to the operation of the College.
7. **Reduced or Intermittent Leave:** If FMLA leave is taken on a reduced or intermittent basis, the employee may be transferred temporarily to an available alternative position for which the employee is qualified and which better accommodates the recurring periods of leave.
8. **Request for an Extension of FMLA Leave:** In order for a FMLA leave of absence to be extended for longer than what was originally approved, the request must be accompanied by an appropriate health care provider certification indicating the condition or disability and circumstances for the extension before the request will be considered.
9. **Failure to Return from FMLA Leave:** Any employee who fails to return to work as scheduled after FMLA leave may be subject to dismissal from employment. Employees who exceed their FMLA entitlement without extension(s) of their leave approved under other appropriate leave provisions, may be subject to dismissal from employment.

Benefits During Family or Medical Leave of Absence

1. Health insurance coverage will continue throughout the duration of FMLA leave. The conditions under which such coverage is provided will be the same as if the employee were actively working. Moreover, employees will not lose any employment benefits earned and accumulated before their FMLA leave begins. Employees on FMLA leave, however, are not eligible for jury duty, funeral leave, or sabbatical leave during such leave.

2. The employee share of any health plan premiums must continue to be paid by the employee while on FMLA leave, and payments are due at the same time as if made by payroll deduction. Similarly, employees contributing to their family's health care coverage are required to make the appropriate contributions during the approved family or medical leave of absence. Monthly payment by cash or check must be received by Human Resources by the fifteenth of each month. Failure to make any required payment will cause such health care coverage to lapse.
3. If an employee's share of any health insurance premium is delinquent for more than thirty (30) days, the employee's health coverage may be terminated. If coverage is not terminated and Davis & Elkins College elects to pay the entire premium, the amount of the employee's delinquency will be recovered from the employee after (s)he returns to work.
4. If an employee fails to return to work after FMLA leave has expired, Davis & Elkins College may recover the cost of any premiums it paid during the employee's unpaid FMLA leave unless the employee's failure to return to work is the result of:
 - a. The continuation, recurrence or onset of a serious health condition that would entitle the employee to FMLA leave; or
 - b. Other circumstances beyond the control of the employee.
5. A key employee is a salaried employee whose salary is among the highest paid 10 percent (10%) of all employees of the College. Key employees may not be entitled to return to their position should the College determine that substantial and grievous economic injury will result from his or her absence. If a key employee is notified of Davis & Elkins College's intent to deny restoration of employment, the key employee will continue to be entitled to maintenance of health benefits until such time as the key employee gives notice that (s)he no longer wishes to return to work, FMLA leave entitlement is exhausted, or restoration is actually denied at the end of the leave period. Premium costs paid on behalf of key employees in such circumstances are not recoverable.

3.4.3.3 Funeral Leave

In the case of death in the immediate family, Davis & Elkins College provides up to three consecutive days paid time off from work. In the case of a spouse's death, the College provides up to five (5) consecutive days paid time off from work. Immediate family other than a spouse consists of:

- The son, daughter, parent, grandparent, grandchild, brother, sister (or the spouse of any of them), of either the employee or spouse.
- Any other related person living in the employee's household.
- Pay for time off shall be at the employee's regular rate.

For non-exempt employees, time off from work shall be recorded with the symbol "F" on the timesheet. If additional time is needed, the ranking supervisor may grant vacation time/PTO as applicable or excused absences without pay.

When a death of a family member covered by this policy occurs while a non-faculty employee is on a scheduled vacation or PTO, the employee's vacation is converted to funeral leave for the period that he or she would have qualified for had he or she been working.

3.4.3.4 Jury Duty Leave

Employees who are summoned to serve on a jury must report to Court in person to qualify as a juror. When these absences take less than one-half day, the employee is expected to return to work. Employees called to jury duty will be paid the difference between jury pay and College pay for scheduled hours lost. Jury duty checks must be taken to Human Resources as evidence of having served as a juror. This benefit does not extend to those called as witnesses in other than College-related litigation. The employee must notify his or her supervisor upon receipt of a summons to serve.

3.4.3.5 Military Leave

Davis & Elkins College, in compliance with [the Uniformed Services Employment and Re-employment Rights Act \(USERRA\)](#), and other applicable state and local laws, encourages individuals to fulfill military obligations by providing equitable treatment to employees who have military obligations.

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required unless military necessity prevents such notice. A copy of the military orders shall accompany the application.

Employees will receive partial pay for two-week training assignments and other absences of shorter duration. Employees must present satisfactory pay verification data to be paid the difference between their normal base compensation and the pay (excluding expense pay) received while on military duty.

Military leave in excess of two weeks will be unpaid. However, employees may use any available paid time off for the absence.

Continuation of health insurance benefits is available as stipulated by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is eligible (see below for additional information).

Vacation and sick leave will continue to accrue during a military leave of absence.

Reemployment Rights

Employees who are absent from work for the reason of serving in the Uniformed Services, or for the purpose of an examination to determine fitness to perform service in the Uniformed Services, whether voluntarily or involuntarily, are entitled to reemployment rights and other benefits if:

1. The periods of absence from the College attributable to service in the Uniformed Services do not exceed a cumulative total of five (5) years not to include those

periods of service expressly exempted from this five (5) year limitation by federal law (USERRA Regulations, 20 CFR & 1002.103);

2. The employee is discharged under conditions that do not constitute other than honorable discharge; and
3. The employee reports for or applies for reemployment according to the following time limits (based on the length of the current military service from which the employee is returning):
 - a. Unless applicable law provides otherwise, employees whose period of Uniformed Service is less than 31 days must report to work on the first regularly scheduled workday following 8 hours of rest time upon returning from the place of duty.
 - b. Employees whose period of Uniformed Service was from 31 days to 180 days must submit an application for reemployment no later than 14 days after the completion of service.
 - c. Employees whose period of Uniformed Service was more than 180 days must submit an application for reemployment no later than 90 days after completion of service.
 - d. Employees who, at the time of release from military service, are hospitalized for or recuperating from an illness or injury incurred or aggravated during the Uniformed Service must report for reemployment (if the period of military service was less than 31 days) or apply for reemployment (if the period of military service was 31 days or more) at the end of the period necessary for recovery from the illness or injury, provided the recovery period does not exceed two years.
 - e. Documentation must be provided to establish timeliness of application, and to ensure that all eligibility requirements for reemployment are met. Failure to provide documentation cannot be used as a basis to deny reemployment if the requested information is not readily available through no fault of the employee.

Davis & Elkins College is not required to reemploy an employee if the employment from which the employee leaves to serve in the Uniformed Services is for a brief, non-recurrent period and there is not a reasonable expectation that such employment will continue indefinitely or for a significant period. The College is also not required to reemploy an employee returning from military leave if circumstances have changed so that reemployment would be impossible or unreasonable.

Position Upon Reemployment

An employee whose period of Uniformed Service was less than 91 days must be reemployed, promptly, in a position that the employee would have attained with reasonable certainty if continuously employed (the “escalator position”). If not qualified for that position (after reasonable attempts to qualify the employee) the employee must be reemployed in the position the employee left, and if the employee is not qualified for the pre-service position (after reasonable attempts to qualify the employee), the employee must be reemployed in any other position that is the nearest approximation first to the escalator position and then to the pre-service position, provided the employee qualified for the position.

For an employee whose period of Uniformed Service was 91 days or more, the requirement is the same, however, a position of like seniority, status and pay may be offered in lieu of the escalator position or the pre-service position.

Disabled Veteran

An employee who has a disability incurred in or aggravated during military service, and who (after reasonable efforts by the department to accommodate the disability) is not qualified due to the disability to be employed in the escalator position the employee would have attained but for the Uniformed Service, must promptly be reemployed in any other position that is equivalent in seniority, status and pay to the escalator position. If the employee is not qualified for an equivalent position due to the disability, the employee must promptly be reemployed in the nearest approximation to such a position in terms of seniority, status and pay, consistent with the circumstances of the person's case.

Dismissal

Employees returning from military leave may not be dismissed, except for cause, within these time limits:

1. Within the first year of reemployment, if the period of service was more than 180 days, or
2. Within the first 6 months of reemployment, if the period of service was between 30 and 180 days.

Benefits

Health, and Life Insurance

An employee and the employee's dependents are eligible to continue participation in the health plan while the employee is on military leave by paying the employee's monthly contribution. The maximum period of coverage shall be the lesser of:

- The **24**-month period beginning the date the employee's leave of absence begins; or
- The day after the date on which the person fails to return to (or apply for) a position of employment as described in the applicable provision of the Uniformed Services Employment and Reemployment Rights Act of 1994.

If the employee cancels health coverage while on leave, upon reemployment, the employee must notify Human Resources within 31 days of returning to work of his or her intent to re-enroll.

The College will continue to provide life insurance coverage during the military leave until such time as any legal obligation to restore the employee to employment expires. The employee and dependents may continue enrollment in the College's other insurance programs by paying the monthly premium(s).

Disability Insurance

Eligibility for participation in long-term disability coverage terminates at the beginning of the **unpaid** leave.

Retirement Plan

An employee's service in the military must be counted in determining vested interest and accrued benefits in the retirement plan only to the extent required to do so under the law. (USERRA Regulations, 20 CFR & 1002.259, 260, 261, 262)

3.4.3.6 Sick Leave

3.4.3.6.1 *Non-Faculty Employees*

All full-time, non-faculty employees shall be entitled to one day worked per month per calendar year (e.g. 12 month employees earn 12 days of sick leave; 11 month employees earn 11 days of sick leave), but in no event shall accumulated sick leave exceed a total of sixty-nine (69) work days. Sick leave may be used for personal illness or injury and for medical and dental care. With approval of the supervisor, it may also be used for immediate family illness when necessary. Eligible part-time employees may utilize the PTO Policy (see Subsection 3.4.2.2).

Sick leave is not deferred compensation for services rendered and is not wages. It is a gratuitous benefit provided to the employees who are too sick to work. For example, an employee may take his/her full sick leave during the first twelve (12) months of the calendar year. Because sick leave is not deferred compensation an employee will not be paid for any unused sick days at the time that the employee's employment is terminated (either voluntarily or involuntarily), or at any other time.

A doctor's written certification of the nature of the illness shall be required for sick leave totaling three consecutive working days or more. A doctor's written certification may be required when repeated short absences occur, or, if in the supervisor's opinion, the sick leave privilege has been abused.

Temporary or part-time as needed employees are not eligible for sick leave.

In the event an employee is eligible for pay under Workers' Compensation at the time the employee receives pay from the College under the sick leave provisions, the employee's pay from the College shall be reduced by that amount paid under Workers' Compensation. The purpose of this provision is to reduce the possibility of duplication of benefits.

3.4.3.6.2 *Faculty Medical Leave*

All full-time faculty are eligible for Medical Leave Accrual. See the [Faculty Handbook](#) for additional information.

3.4.3.1 Other Leaves of Absence

3.4.3.1.1 *Leave Without Pay*

Leave of absence without pay may be granted by the President to a regular, full-time employee who has been employed with the College for three or more consecutive years.

The employee may be granted a continuous leave of absence without pay for a period up to one year in length.

A request in writing must be given to the employee's supervisor, who will make a recommendation and forward it to the appropriate Cabinet member for approval. The request must include the date the leave is to begin and the date the employee will return to work.

Such leaves may be denied or postponed by the applicable supervisor or Cabinet member upon demonstration of hardship caused by other leaves and vacations already in progress within the department or for financial reasons. The individual's performance on the job, length of service and reasons for absence are among factors that will be considered in determining whether any requested leave will be granted.

Where leaves of absence are granted, all College benefits cease but are reinstated when the individual returns to his/her job. Vacation, seniority, sick leave, holiday and other benefits neither accumulate nor are paid during leaves of absence.

3.4.3.1.2 *Faculty*

After completing two years of service at the College, a full-time faculty member of any rank may be granted an unpaid special leave of absence, based on personal needs and/or needs of the College. See the [Faculty Handbook](#) for additional information.

3.5 Employee Benefits

Davis & Elkins College seeks to provide employees with a complete and comprehensive benefits package. Details of these benefits are reviewed with new employees during the orientation session and copies are available in Human Resources. Please note that carrier and other third party benefits are subject to change pursuant to alterations in the terms of agreement entered into with those carriers or other third party providers.

3.5.1 *Insurance Benefits*

3.5.1.1 Sickness and Accident Insurance

Davis & Elkins College has available to all full-time employees a group health insurance policy which provides assistance in meeting ordinary and major medical and dental bills as described in the booklet available in Human Resources. The cost to the employee depends on the chosen coverage. The cost is shared by the College and employee.

Medical and dental benefits may be continued for the employee as well as insured spouse and dependents beyond the date they would otherwise stop due to (a) the death of the employee, (b) the termination of employment, (c) a divorce or a legal separation of the employee from his/her spouse, (d) an employee qualifying for Medicare, or (e) a dependent child ceasing to be a dependent as defined in the policy. Please contact Human Resources for details and necessary forms.

The insured employee must notify Human Resources of any change in family status (i.e. divorce, separation or ineligibility of a child) within thirty (30) days from the date of such change.

3.5.1.2 Life Insurance

The College pays the premiums on life, accidental death and dismemberment insurance for all full-time employees. Details concerning this coverage are available at the Human Resources Office.

3.5.1.3 Disability Insurance

Upon employment, full-time employees are eligible for long-term total disability benefits coverage. Details concerning this insurance coverage are available at the Human Resources Office.

3.5.1.4 Sick Leave Bank

This benefit provides full-time employees with a short-term disability plan. The College's long-term disability plan can be accessed after six months of disability, but the College has no short-term disability plan in place. The sick leave bank (once accrued sick leave time is exhausted) can help cover immediate loss of income if an employee must be absent from work due to illness or injury. All full-time employees are eligible for membership on a voluntary basis. For more information or to enroll in the Sick Leave Bank, contact the Director of Human Resources.

3.5.1.5 Employee Assistance Program

Davis & Elkins College cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. Although employees may solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice.

Through the Employee Assistance Program (EAP), the College provides confidential access to professional counseling services for help in confronting such personal problems as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is available to all employees and their immediate family members offering problem assessment, short-term counseling, and referral to appropriate community and private services.

The EAP is strictly confidential and is designed to safeguard the employee privacy and rights. Information given to the EAP counselor may be released only if requested by the employee in writing. All counselors are guided by a Professional Code of Ethics.

Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the personnel file.

There is no cost for employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the employee.

Minor concerns can become major problems if ignored. No issue is too small or too large, and a professional counselor is available to help when needed. An EAP counselor may be contacted 24 hours a day, 7 days a week as follows:

Online: www.MagellanHealth.com/member

International access: 1-800-662-4504

Toll-Free: 1-800-588-8412

For TTY users: 1-800-456-4006

3.5.2 Retirement Benefits

D&E is a member of TIAA/CREF. Additional information regarding eligibility requirements and enrollment may be obtained from Human Resources.

3.5.3 Educational Benefits

3.5.3.1 Davis & Elkins College Tuition Waiver Program

Davis & Elkins College offers a waiver of tuition benefit to full-time regular employees and their dependents. This benefit is intended to assist employees and their families in meeting the cost of tuition for courses taken at the College.

3.5.3.1.1 Regular, Full-time Employee Tuition Waivers

1. Requests for tuition waivers must be renewed each academic term. The tuition waiver applications are available from the Business Office and the processing sequence below should be followed.
2. All full-time employees of Davis & Elkins College are eligible to take one course offered by Davis & Elkins College per semester for credit or audit tuition free provided that the employee has been employed full-time by the College for at least six months and is in good standing. Moreover, employees must have the permission of their supervisor prior to registering for a course.
 - a. Courses in which an employee is requested to enroll by his/her supervisor are not considered in the above one-course limit, provided that such enrollment is approved by the appropriate Cabinet member for the department.
 - b. An employee's attendance in a course generally should not conflict with the employee's work schedule. If an employee's supervisor permits the employee to take a class during his or her regular working hours, the employee must make up the hours missed at times acceptable to the employee's supervisor.
3. The tuition waiver benefit does not include payment for fees and other related expenses such as lab fees, service fees, graduation fees, books and any applicable taxes.
4. This tuition waiver benefit does **not apply** to graduate classes.
5. The tuition waiver benefit does **not apply** to Summer School.

6. Employees applying for a waiver must complete all relevant financial aid forms. An employee who does not follow the above procedure will be charged the full tuition amount for the number of courses taken. Any financial aid, grant, or scholarship the student is awarded will be used by the College to offset the tuition waiver benefit. Tuition waiver recipients are not eligible to receive scholarships funded by Davis & Elkins College. Moreover, employees who are in default on Federal Stafford Loans at the time of the tuition waiver request are not eligible for the benefit.
7. Recipients of the tuition waiver benefit must meet the academic program requirements for admission and are subject to all applicable academic policies and procedures. Moreover, to remain eligible for the benefit in future academic terms, the employee must maintain a minimum cumulative GPA of 2.0.
8. The tuition waiver benefit is subject to space availability in the course, giving regular tuition paying students priority.

The tuition waiver program is a fringe benefit for persons employed by Davis & Elkins College. As such, the College reserves the right to amend policies regulating the program.

Employee Tuition Waiver Processing Sequence

1. Employee submits completed waiver request with supervisor's authorizing signature to the Business Office at least ten (10) days prior to the start of classes.
2. Normal admission registration procedures should be followed.
3. Business Office processes the waiver and notifies the employee of approval or disapproval.

3.5.3.1.2 *Regular, Part-time Employee Tuition Waivers*

Regular, part-time employees who are employed at least six months are eligible to participate in the Davis & Elkins College Tuition Waiver Benefit Program subject to the stipulations set forth below. Dependents of the part-time regular employees, however, are not eligible to receive this benefit.

Stipulations:

1. Allowed to take one course each semester free of charge based on space availability in class.
2. Must maintain a 2.0 GPA to continue with waiver.
3. May not register for a class that meets during assigned working hours.
4. Does not apply to Summer School, MAP classes, special arrangement, private music lessons or graduate courses.

Regular, part-time employees electing to take a course must contact the Financial Aid Office to complete the appropriate financial aid forms prior to enrollment.

3.5.3.1.3 *Employee Post Graduate Tuition Benefits*

Davis & Elkins Colleges recognizes the importance of mutually beneficial continued education of its full-time regular employees. This benefit is intended to assist qualifying employees in completing post-graduate education by assisting with the cost of tuition for these programs and courses.

1. All full-time employees of Davis & Elkins College who possess at a minimum a bachelor's degree and have been employed by the College a minimum of three years are eligible to apply for this benefit.
2. The employee must be able to demonstrate how the advance degree or courses will benefit their job performance and the institution. The advanced degree or courses sought must directly relate to the position the employee currently holds; it cannot be used to seek a new position.
3. The employee's supervisor or appropriate Cabinet member must make the recommendation on behalf of the employee.
4. Davis & Elkins College will provide a maximum amount of financial support determined by comparable in-state graduate tuition rates.
5. Employees must take advantage of all financial aid, assistance, and scholarships that are available to them prior to Davis & Elkins College providing assistance.
6. Benefits only apply up to full-time status enrollment; overload courses, fees, and books are not eligible for reimbursement.
7. Employees must apply for the benefit by the established deadline. Employees must apply for this benefit on an annual or semester basis; the benefit is not guaranteed beyond a single application period.
8. There is a limited amount of resources available to fund this benefit. The distribution of this benefit will be prioritized by the following criteria: current enrollment in a degree program, current recipient of the benefit, the amount sought for reimbursement, the relevance of courses to certification maintenance, the impact or benefit to the College, and standing as an employee.
9. Recipients of this benefit will agree in writing to remain employed at Davis & Elkins College one year for each year the benefit is received.
10. Course or post-graduate degree completion may not interfere with regular duties.
11. This benefit may be a taxable benefit.

Tuition Waiver Processing Sequence

1. Employee submits completed benefit request with supervisor's and Cabinet member's authorizing signature to the Business Office accompanied by the administrative fee at least ten (10) days prior to the start of classes.
2. Normal admission and registration procedures of the course must be followed.

3. Business Office processes the waiver and notifies the employee of approval or disapproval.

Separation of Service

1. In the event of a “not for cause” separation of service of an eligible employee during a semester in which the employee is receiving a tuition benefit, the benefit will be permitted to continue until the end of that current semester, so long as the employee has begun attending classes for which the waiver or reimbursement has been applied prior to the date of separation. Similarly, if an eligible employee goes on a leave of absence or has a status change from full-time to part-time, the benefit will remain in effect for any approved semester or course in progress.
2. If an employee is separated “for cause” during the semester in which the employee is enrolled in a course or program, the benefit immediately ceases and the individual is responsible for all financial obligations for the semester in which the date of separation occurs.
3. If an employee is separated “for cause” or by choice before the terms of service of the benefit are completed, the employee must refund the applicable amount provided by the College to the individual under this benefit.

3.5.3.1.4 Employee Dependents Tuition Waivers

1. After six months of continuous service, dependents of full-time employees in good standing, subject to the requirements set forth below, are eligible to enroll in Davis & Elkins College courses tuition-free.
2. Dependents are defined as:
 - a. A spouse to whom a full-time employee is currently legally married and with whom the employee is living;
 - b. Natural-born and stepchildren of the employee who are financial dependents of their parent as defined by the Federal Financial Aid Program; and
 - c. Children legally adopted prior to employment or for five or more years prior to the effective date of the waiver who are financial dependents of their parent as defined by the Federal Financial Aid Program.
3. An administrative fee will be charged for each semester in which a dependent utilizes the waiver.
4. Requests for tuition waivers must be renewed each semester. The tuition waiver requests are available from the Business Office and the processing sequence below should be followed.
5. The tuition waiver benefit does not include payment for fees and other related expenses such as lab fees, service fees, graduation fees, books and any applicable taxes.
6. The tuition waiver benefit **does not** apply to graduate classes.

7. The tuition waiver benefit **does not** apply to Summer School except when the dependent is within 36 credit hours of graduation requirements.
8. The tuition waiver benefit **does not** apply to over-load hours.
9. The tuition waiver benefit **does not** apply to fees of any type, such as audit, credit for life, etc.
10. A dependent applying for a waiver must complete all relevant financial aid forms. A dependent who does not complete all relevant financial aid forms will be charged the full tuition amount for the number of courses taken. Tuition waiver recipients are not eligible to receive scholarships funded by Davis & Elkins College. Moreover, students who are in default on Federal Stafford Loans at the time of the tuition waiver request are not eligible for the benefit.
11. In no instance will financial aid awards in excess of need be returned to an individual.
12. PELL, SEOG, state grants, and/or institutional grants will be used to offset the cost of the tuition waiver.
13. A dependent daughter or son who has attained 150 credit hours of college-level instruction or the completion of a baccalaureate degree, regardless of where the course work was completed, **is not** eligible for a tuition waiver.
14. The spouse of a full-time employee who has not completed a baccalaureate degree or has not attained 150 credit hours of college-level instruction is eligible for tuition waiver on the same basis as a dependent daughter or son. The spouse of a full-time employee who has either completed a baccalaureate degree or has attained 150 credit hours of college-level instruction is eligible for the tuition waiver for one course per fall semester and/or spring semester.
15. Recipients of the tuition waiver benefit must meet the College and academic program requirements for admission and are subject to all applicable academic policies and procedures. Moreover, to remain eligible, the dependent must maintain a minimum cumulative GPA of 2.0.
16. The tuition waiver benefit is subject to space availability in the course, giving regular tuition paying students priority.

The tuition waiver program is a fringe benefit for persons employed full-time by Davis & Elkins College. As such, the College reserves the right to amend policies regulating the program.

Tuition Waiver Processing Sequence

1. Employee submits completed waiver request with supervisor's authorizing signature to the Business Office accompanied by the administrative fee at least ten (10) days prior to the start of classes.
2. Normal admission and registration procedures must be followed.
3. Business Office processes the waiver and notifies the employee of approval or disapproval.

3.5.3.1.5 *Special Circumstances*

1. **Separation of Service During a Semester:** In the event of a “not for cause” separation of service of an eligible employee during a semester in which the employee or his/her dependent is receiving the tuition waiver benefit, the benefit will be permitted to continue until the end of that current semester, so long as the student has begun attending classes for which the waiver has been applied prior to the separation event. Similarly, if an eligible employee goes on a leave of absence or has a status change from full-time to part-time, the tuition waiver benefit will be retained for any approved semester or term in progress. In the event an employee is terminated “for cause” from Davis & Elkins College prior to completion of the approved courses, entitlement to the benefit is considered waived and the employee will be billed should he or she remain enrolled in the class(es). The employee’s dependent, however, will be permitted to complete the semester of study.
2. **Re-Hire of an Employee:** Should the College rehire an individual, the employee must repeat the prescribed length of service requirements outlined above unless the separation from the College is less than a 1,000-hour break in service period. If the break in service is less than 1,000 hours, the employee will be given length of service credit earned during the immediately preceding episode of employment.
3. **Death of an Employee:** If an eligible qualified dependent is receiving tuition waiver benefits under any of the provisions above at the time of the qualifying employee’s death, the benefit will continue to be provided to the enrolled dependent until the end of that current semester.

3.5.3.2 External Tuition Benefits

Under certain circumstances, tuition waiver benefits for eligible full-time employees and their dependents are available from participating colleges. For a complete list of participating colleges and more details, including eligibility requirements, please contact the Business Office.

3.5.4 *College Facilities and Activities*

3.5.4.1 Athletic and Cultural Events

Current employees, retired employees, and their dependents are admitted free of charge upon presentation of a valid College ID to athletic events and are encouraged to attend and cheer on the teams. In addition, the College offers a variety of special events during the year such as films, concerts, and dramatic presentations to which current and retired employees are invited. Some of these have an admission charge but many of them are free to College employees and retirees.

3.5.4.1.1 *Family Discount for Arts and Cultural Events*

Faculty, staff, and students are entitled to two tickets for arts and cultural events, one for themselves and one for a guest. Tickets are available online using the coupon code Davis and Elkins Family or at the box office. Tickets should be reserved in advance of the

event to ensure availability. Tickets are not transferable and a valid College ID is required at the door. Any remaining tickets will be made available 15 minutes before show time will be sold at 50 percent discount to faculty, staff, and students.

3.5.4.2 College Bookstore

Current and retired employees are allowed a discount on all purchases of non-sale items at the D&E College Bookstore. Merchandise available includes textbooks, school and art supplies, office supplies, D&E logo apparel and novelties, regalia, electronics, greeting cards, and other gift and miscellaneous items. Discounts are also provided for all departmental purchases. The Bookstore is open Monday – Friday and weekends as needed. The Bookstore, managed and operated by an outside contractor, provides the College with a commission on all sales. The main D&E College Bookstore is located on the ground floor of Madden Center.

3.5.4.3 Dispensary Services

Employees may obtain emergency first aid treatment or minor medical attention for a fee at the College’s Health Services during the hours it is regularly open.

3.5.4.4 Myles Ahead Walking Track

Current employees, retired employees and dependents have access to the Myles Ahead walking and jogging track, located in The McDonnell Center for Health, Physical Education & Athletics, equipped with a shock-absorbent surface which circles the upper level of the arena, providing a safe, comfortable place to exercise regardless of weather. Approximately 12.5 laps around the track are equal to one mile. Hours of availability are posted on the College’s website.

3.5.4.5 Library and Media Center

The resources of Booth Library are available to current and retired employees and their dependents. In addition to over 100,000 catalogued books and media items, a comprehensive audio-visual center, microfilm readers and printers, and copy facilities are available. The Library has several special collections including the Jim and Ola Comstock Library of West Virginia, government documents, and Appalachian literature.

3.5.4.6 Robbins-Madden Fitness Center

Current employees, retired employees, and their dependents may use the fitness center located on the first floor of Hermanson Center free of charge with presentation of a valid College ID. The fitness center offers a variety of cardiovascular equipment as well as a full line of strength training equipment that allows any user to complete a circuit training program in 30 minutes for a complete body workout. Free weights and a stretching area are also available. Hours of operation are posted on the College’s website.

3.5.4.7 George A. Myles Pool

During open pool hours, current employees, retired employees, and their dependents are entitled to swim at the pool free of charge upon presentation of a valid College ID. The

pool is located on the first floor of Hermanson Center. Hours of operation are posted on the College's website.

3.5.5 Legislative Benefits

3.5.5.1 Continuation Coverage

NOTE: This plan is not subject to COBRA because it is a "Church Plan." However, other continuation provisions, not legally required, are outlined below.

1. **Period of Continued Coverage:** An employee's Plan may provide for limited continuation if he or she cease working because of sickness or injury. Employees should consult with their Adopting Institution for further details. Coverage may also continue for the following periods:

- a. Leave of Absence: The end of the period of approved leave of absence.
- b. Resignation, Dismissal, or Layoff: Last day of the month in which resignation, dismissal, or layoff occurs.
- c. Reduction of Hours: Last day of the month in which reduction of hours occurs. A member who qualifies may be eligible to continue benefits if active employment ends because they are completing their term as at least a nine, but less than a 12-month employee. The period of continuation will be the lesser of:
 - The date the member resumes active employment as scheduled; or
 - Three months.

If this plan has a waiting period, members who continue coverage under this provision are not subject to a waiting period when active employment resumes immediately following this period.

2. **Continuation of Coverage for Dependents of Deceased Members:** A member's surviving spouse (and any dependent children), whose coverage would otherwise terminate because of death of the member may continue Dependent Medical Expense Coverage that would otherwise cease as provide until
 - a. The date the Dependent's Medical Expense Coverage would otherwise cease as provided; or
 - b. The date the employer ceases to be an Adopting Institution of the Trust;
 - c. The date this plan is terminated;
 - d. The date the spouse remarries or becomes eligible for other group medical expense coverage;
 - e. Any date desired, if requested by the spouse before that date;
 - f. The end of the period for which contributions are made, if the dependent fails to make timely payment of a required contribution; or
 - g. The date the spouse attains age 65.

Any Individual Purchase Privilege that would be available in the absence of this provision will be provided when the coverage afforded by this provision ends.

3. **Continuation of Spouse Coverage:** If an employee's coverage terminates because he or she reach age 65, the employee's spouse may continue Dependent Medical Expense Coverage under this plan until the earliest of:
 - a. The date the spouse's Medical Expense Coverage would otherwise cease as provided;
 - b. The date the employer ceases to be an Adopting Institution of the Trust;
 - c. The date this Plan is terminated;
 - d. The date the spouse becomes eligible for other group medical expense coverage;
 - e. Any date desired, if requested by the spouse before that date.

3.5.5.2 Social Security

Employees of the College are covered under the provisions of the federal Social Security laws and programs (FICA). The amount of deduction from employee wages for Social Security taxes is matched by the College, and both contributions are credited to the employee's Social Security benefits. In addition, disability, Medicare and survivor benefits are financed through Social Security deductions.

3.5.5.3 Unemployment Compensation

Davis & Elkins College participates in the West Virginia State Unemployment Compensation program. Individuals who meet the criteria established by the West Virginia Department of Employment Security may be eligible for unemployment. **The College does not determine eligibility for benefits.** However, the College reserves the right to protest a claim for benefits if such action is deemed warranted. The College pays unemployment insurance premiums for each employee based upon his/her salary at a rate designated by the West Virginia Department of Employment Security. Employees pay nothing for this coverage.

3.5.5.4 Workers' Compensation Insurance

All College employees are covered by the Workers' Compensation program, which provides coverage in the event of occupational injury, occupational illness or death occurring in the course of and within the scope of employment. Employees pay nothing for this coverage. Employees involved in any sort of accident while working are encouraged to seek prompt medical attention. It is the employee's responsibility to promptly notify the Human Resources Office of a work-related injury or illness, but in no event should notification be delayed longer than twenty-four (24) hours. Employees should inform the examining physician or hospital that this is a Workers' Compensation case, so that appropriate reports can be made. Examination and treatment costs are then paid by the Workers' Compensation Fund.

If an employee has been off from work for an injury for which the employee receives Workers' Compensation benefits, before the employee may return to work, the

employee's physician must provide a release specifically stating that the employee is capable of performing the job duties in question. Upon receipt of the physician's release, and if the employee's position is still available, the employee will be reinstated to that position. If the employee's former position is not available, then the employee will be offered reinstatement to any comparable positions which are available. If the employee's former position is not available and there are no comparable positions available, the employee will be offered the next available position for which the employee is qualified and which becomes available within one year of the date that the employee is able to return to work. If no position becomes available during that one-year period, the employee will retain no rights to any job at Davis & Elkins College.

Provided: The College has the discretion not to give the employee another job under this section if that job constitutes a promotion over the job that the employee had at the time of his/her absence due to an injury.

3.6 Compensation

3.6.1 Non-Faculty Compensation Policies

3.6.1.1 Pay Day

All employees are paid twice a month on the fifteenth and the last day of each month unless otherwise specified. If these dates fall on a weekend or holiday, the nearest prior workday becomes payday. Checks are distributed by the Business Office. Normally, payroll advances are not permitted.

3.6.1.2 Time and Attendance Records

In compliance with federal wage and hour regulations, each professional/non-faculty staff member and each non-administrative staff member shall keep a record of all hours worked and any time off each day on a monthly timesheet. For payroll purposes, the work week begins at 12:01 a.m. Sunday and runs through 12:00 midnight Saturday. At the end of the month, each timesheet shall be signed by the employee, reviewed by the immediate supervisor, signed and sent to the Human Resources Office.

3.6.1.2.1 Work Schedules

Employees normally work a thirty-seven and one-half hour week, seven and one-half hours a day, five days a week; regular part-time employees work at least ten hours a week, the specific schedule to be planned with the individual's supervisor. In the construction of work schedules in each work area, every reasonable effort will be made to assure every employee of two consecutive days off every week.

Employees working a seven and one-half hour day are entitled to two fifteen-minute paid breaks during the working day; employees working half days are entitled to one fifteen-minute paid break. Employees are entitled to an unpaid lunch break, the length of which is determined by the employee's department.

Except in the case of an emergency, an employee shall normally have written notice of any major change in his/her normal schedule at least two weeks in advance of the effective date of such change.

3.6.1.3 Overtime

1. The College reserves the right to schedule assigned overtime to all non-exempt (hourly paid) employees as needed.
2. All non-exempt staff members working more than thirty-seven and one-half hours in any single work week will be paid at their regular rate up to 40 hours. All hours in excess of a 40-hour week will be paid at the rate of one and one-half times the employee's regular rate. All overtime must have prior approval from the immediate supervisor.
3. All non-exempt staff members will be compensated at their regular rate of pay for hours worked on holidays in addition to their holiday pay. Non-exempt employees who are called in to work on days when the College is closed will be paid for a minimum of four hours.

3.6.1.4 Pay Deductions

The College, like other employers, makes several deductions from the paychecks of its employees. These include: Federal withholding tax, West Virginia State income tax, F.I.C.A. (Social Security), group health insurance for those employees eligible and other deductions that may be required by law. The Director of Human Resources will discuss these deductions with employees who have questions.

Arrangements can be made with the Human Resources Office for most individual voluntary deductions, i.e. United Way, College campaigns, supplemental retirement funds, etc.

3.6.2 Faculty Compensation Policies

For compensation policies pertaining to faculty, please refer to the *Faculty Handbook*.

3.6.3 Wage Garnishment

Garnishments are court ordered deductions from wages for monies owed to a company, government or individual, for example, monies owed in child support, unpaid student loans, bankruptcy collection, unpaid taxes and/or other debt. The College is obligated by federal and state law to garnish wages from employees' paychecks upon the receipt of garnishment orders.

Garnishments remain active until Human Resources receives a release, an amendment of these federal and state garnishment orders or a letter of satisfaction. The College does not refund any incorrectly deducted funds due to the errors in the requisite garnishment orders. Instead, employees must request refunds and address the errors with the issuer of a garnishment order authorizing the deduction.

3.7 Progressive Discipline and Separation from Employment

3.7.1 Non-Faculty Personnel Progressive Discipline and Separation from Employment

3.7.1.1 Progressive Discipline and Discharge for Cause

Should a non-faculty employee's behavior or conduct be of such a nature that his/her supervisor believes that some form of action should be taken, the supervisor, after consultation with the Director of Human Resources, will discuss it with the employee. If an employee disagrees with the disciplinary action, the employee may take the necessary steps to appeal the supervisor's decision as outlined in the Grievance Procedure Policy.

In many cases, the College will administer discipline in a progressive manner. That is, some disciplinary infractions will result in Level 1 discipline (an oral warning), Level 2 discipline (a written warning), Level 3 discipline (a suspension without pay), and Level 4 discipline (discharge). However, some offenses are so serious as to warrant suspension or discharge for a first offense, and the College reserves the right to administer discipline at any level commensurate with the College's view of the nature or severity of the offense(s).

THE FOLLOWING LISTS ARE NOT ALL-INCLUSIVE OR COMPLETE, BUT MERELY ARE GIVEN AS EXAMPLES OF SOME OF THE MOST COMMON INFRACTIONS FOUND IN AN EMPLOYMENT SETTING.

Progressive Examples: Below are examples of offenses that could result in an oral warning for the first offense, a written warning for the second offense, and suspension or discharge for subsequent offenses:

1. Chronic tardiness;
2. Unauthorized absences from the job or work area;
3. Foul and abusive language;
4. Inefficiency or negligence in the performance of duties;
5. Chronic inability to work with others;
6. Criminal arrest or conviction; and
7. Disregard for College or departmental policies and procedures.

Immediate Discharge or Suspension Examples: Below are examples of offenses that could result in immediate discharge or suspension without pay:

1. Sleeping on the job;
2. Three days absence without notification to the Director of Human Resources or one's immediate supervisor;
3. Excessive absenteeism;
4. Sexual harassment (including sexual misconduct) or unlawful harassment or discrimination; *

5. Intoxication or illegal drug use while on the job, or reporting for work or entry upon College grounds while under the influence of any intoxicant or controlled substance or otherwise violating the College's Drug-free workplace policy;
6. Assault of a fellow employee, official, student, individual doing business with the College or a member of the general public while at work or representing the College;
7. Theft;
8. Refusal to perform assigned lawful tasks or performing in an insubordinate manner;
9. Refusal to comply with College or department policies, procedures, rules and regulations;
10. Destruction of property of the College, other employees, students, visitors or vendors;
11. Unauthorized possession of firearms or other prohibited weapons on College property;
12. Gross insubordination;
13. Dishonesty and ethical violations;
14. Final conviction of a crime or arrest for a felony or serious misdemeanor;
15. Misuse of a College I.D. card;
16. Clear threat to the life, health, and well-being of students, other employees or to the employee;
17. Engagement in inappropriate relationships, consensual or otherwise, with students or other employees;
18. Violation of NCAA regulations;
19. Deliberately and seriously violating the academic freedom of faculty members, executive administration, administration, staff personnel, or students; and
20. Engagement in activities that undermine the mission of Davis & Elkin College.

* In cases involving allegations of discrimination or harassment (including sexual misconduct), the matter will first be investigated and processed pursuant to the procedures set forth in the College's Non-discrimination and Harassment Policy in [Volume II](#) of the *Davis & Elkins College Policy Manual*.

Discharge Procedures

Prior to discharging a non-faculty employee for cause, the employee's supervisor must review the situation and related information and documentation with the department or division head and Human Resources. The appropriate department or division head will investigate the alleged misconduct with the assistance of Human Resources. If the allegations are substantiated, the non-faculty employee will be dismissed.

When possible, the dismissal will be verbally communicated to the employee. The employee will also receive a formal letter of dismissal, which will outline the reason for

dismissal, the effective date, and applicable information regarding final pay. Non-faculty employees terminated for cause are not eligible for rehire.

3.7.1.2 Resignation

The need to resign may arise as a result of circumstances beyond the control of both the employee and the College, such as the transfer of a spouse, an opportunity to further one's career, or a new job development. Resignations also may indicate failure on the part of the College to discharge its obligation to the employee. The reverse, of course, also may be the case.

In any event, both the College and the employee should be interested in seeing that the problem which may have led to the resignation does not re-occur. An "exit" interview or final discussion with the Director of Human Resources is requested of every resigning employee. This interview is designed to assist both the College and the employee, and does not become a part of the employee's permanent personnel record.

Employees are asked to give two weeks advance written notice of an impending resignation to their supervisor and a copy to the Director of Human Resources in order to ensure that they may be replaced with minimum difficulty and without disruption of the work schedules of others. Supervisors are asked to provide at least a one-month written notice to the appropriate Cabinet member. All resignation notices must state the effective date of the resignation. Supervisors will immediately forward a copy of the resignation to the Human Resources Office.

3.7.1.3 Retirement

No employee who is fully able to perform all his or her duties with reasonable accommodations shall be required to retire because of age. Employees who wish to retire are required to notify their supervisor and the Office of Human Resources in writing at least one (1) month before their planned retirement date.

3.7.1.4 Layoffs

When it becomes necessary to lay off employees because of budgetary limitations, program restructuring, or other reasons, it is the policy of Davis & Elkins College that both seniority and competence be considered in the procedure. That is, if a position is to be eliminated and the person filling that position is of equal or greater competence and has more seniority than a person in another comparable position, the person with less seniority would be laid off.

In all cases when layoffs become necessary, the President will be consulted in order to determine precisely who in the organization should be laid off. It should be emphasized that seniority is not the sole determining factor. Competence, work record, job performance and any other appropriate measures also will be taken into consideration. When a layoff occurs, the impacted employee(s) will be given as much notice as possible.

3.7.2 Faculty Separation from Employment

For separation policies pertaining to faculty, please refer to the [Faculty Handbook](#).

3.7.3 *Exit Interview and Clearance Sheets*

Davis & Elkins College employees who are leaving the College's employment are requested to schedule an exit interview with the Director of Human Resources prior to the date of departure. The exit interview serves to provide:

1. Valuable information about the individual's perception of the job and the College;
2. Opportunity to evaluate the College employment policies and benefits programs; and
3. Occasion to discuss continuation of health benefits and other benefit program transitions.

In addition, a clearance sheet must be completed by the Human Resources Office when any employee terminates for any reason. It is the responsibility of each department or division to ensure that the departing employee is aware of this requirement and direct him/her to the Human Resources Office.

Please call the Human Resources Office if there are any questions.

Appendix: Record Retention Schedule

General Record Retention Schedule

Retention and Disposal of Governance and Corporate Records

This statement outlines the College policies pertaining to the retention and disposal of governance and corporate records.

<u>Examples</u>	<u>Minimal Retention Period</u>	<u>Official Repository</u>
Articles of Incorporation, Amendments, Bylaws	Permanent	President's Office
Annual Reports	30 years	Archives
Organizational Charts	10 years	President's Office
Board of Trustees Meeting Minutes	Permanent	President & Archives
Financial Statements and Audit Reports	Permanent	Office of Business & Administration Archives
Accreditation documents - Self Study and Accreditation Letters	Permanent	President's Office & Office of Academic Affairs
Awards Issued by the Board	Permanent – part of Board minutes	President's Office & Archives
Records of Board Candidates	5 years	President's Office
Board of Trustee Member Records	Permanent	President & Archives
Conflict of Interest Forms – Board Members and Officers	5 years after resignation	President's Office
Committee Records	Permanent	President's Office & Archives
Institutional Strategic Planning Records	Permanent for final planning reports; 10 years for strategic planning committee	Office of Institutional Research
Mission Statements	Permanent	President's Office

Retention and Disposal of Student Records

This statement outlines the College policies pertaining to the retention and disposal of student records. The policies generally follow the guidelines established by the American Association of College Registrars and Admissions Officers (AACRAO).

A. Admissions data or documents for applicants who **do not enter College**:

<u>Examples</u>	<u>Minimal Retention Period</u>	<u>Official Repository</u>
Acceptance, application and recommendation letters	1 year	Office of Enrollment Management
Transcripts (college or high school) test scores, medical records, entrance examinations, and placement scores	1 year	Office of Enrollment Management

B. Admissions data or documents for applicants who **enter College**

<u>Examples</u>	<u>Minimal Retention Period</u>	<u>Official Repository</u>
Acceptance, application, recommendation, and relevant correspondence and letters	5 years after graduation or date of last attendance	Office of the Registrar
Transcripts (college or high school), test scores, medical records, entrance examinations, and placement scores	5 years after graduation or date of last attendance	Office of the Registrar

C. Registration records, data or documents:

<u>Examples</u>	<u>Minimal Retention Period</u>	<u>Official Repository</u>
Academic records	Permanent	Office of the Registrar

<u>Examples</u>	<u>Minimal Retention Period</u>	<u>Official Repository</u>
Academic action authorization, advanced placement records, relevant correspondence, FERPA documents, foreign student forms, graduation authorizations, name change authorizations, transfer credit evaluations, Curriculum change authorizations, fee assessment forms, and tuition and fee changes	5 years after graduation or date of last attendance	Office of the Registrar
Financial aid documents	3 years after annual audit has been accepted by the Department of Education	Financial Planning Office & Office of Enrollment Management
Applications for graduation, personal data information, transcript requests and withdrawal authorizations	3 years after graduation or date of last attendance	Office of the Registrar
Student Services records, Disciplinary actions, medical records, club/organization awards and honors	5 years after graduation or date of last attendance	Office of Student Life

D. Certification data or documents:

<u>Examples</u>	<u>Minimal Retention Period</u>	<u>Official Repository</u>
Financial aid assistance records, social security certifications, teacher certifications and Veterans Administration certifications date of last attendance	3 years after graduation or date of last attendance	Financial Planning Office, Office of Enrollment Management, & Division of Education and Sport Sciences
Enrollment Verifications	1 year after graduation or date of last attendance	Office of the Registrar

E. Publications, statistical data, documents and institutional reports:

<u>Examples</u>	<u>Minimal Retention Period</u>	<u>Official Repository</u>

Catalogs; degrees; enrollment, grade, racial and ethnic statistics; audit reports; IRS letters, tax reports	Permanent	Office of the Registrar & the Office of Institutional Research
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F. Family educational rights and privacy acts data or documents:

<u>Examples</u>	<u>Minimal Retention Period</u>	<u>Official Repository</u>
Requests for formal hearings or personally identifiable information, student or panels written decisions on content of records, and student requests for nondisclosure of directing information	Life of affected record	Office of the Registrar

G. Athletic Records

<u>Examples</u>	<u>Minimal Retention Period</u>	<u>Official Repository</u>
Eligibility Records	6 Years	Department of Athletics
Game Statistics	Permanent	Department of Athletics
Individual Student-Athletes Records: Academics Eligibility Equipment Insurance Physical	6 years after separation	Department of Athletics
Compliance Records	6 years	Department of Athletics
Recruiting Records	6 years	Department of Athletics
Photographs (Student-Athletes, Coaches, Staff)	Permanent	Department of Athletics
Student Athlete Medical Records	7 years	Department of Athletics

H. Student ADA Records

<u>Examples</u>	<u>Minimal Retention Period</u>	<u>Official Repository</u>

ADA Student Accommodation Records File (e.g. Request for Accommodation, Supporting Documents, Letter of Accommodation, Signed Released Forms, Correspondence)	5 years from close of academic term	The Naylor Learning Center & The Office of Student Life
ADA Accommodation Records for Testing	5 years from close of academic term	The Naylor Learning Center

I. Business Office Records

This statement outlines the College policies pertaining to the retention and disposal of accounting, finance and general banking records.

<u>Examples</u>	<u>Minimal Retention Period</u>	<u>Official Repository</u>
Accounts Payable, IRS 1099	10 years	Office of Business Enterprises
Accounts Payable Check registers, Ledgers & Schedules	7 years	Office of Business Enterprises
Accounts Payable Invoices	7 years	Office of Business Enterprises
Audit Reports	Permanent	Office of Business Enterprises
Audit Workpapers & Schedules	10 years	Office of Business Enterprises
Back Reconciliations & Statements	5 years	Office of Business Enterprises
Budget Files	10 years	Office of Business Enterprises
Canceled Checks	5 years	Office of Business Enterprises
Cash Receipts/Daily Cash Sheets	3 years	Office of Business Enterprises
Construction Files	Permanent	Office of Business Enterprises
Endowment Records	Permanent	Office of Business Enterprises
Financial Statements, internal	Permanent	Office of Business Enterprises
FISAP reports	10 years, electronic permanent	Office of Business Enterprises
Fixed Asset Ledgers & Schedules	Permanent	Office of Business Enterprises
General Ledger Journals/Printed Books	Permanent	Office of Business

		Enterprises
Grant Award Documents & Reports	5 years after final report or audit resolution	Office of Business Enterprises
Insurance Claims	Permanent	Office of Business Enterprises
Insurance Policies	3 years after expiration date	Office of Business Enterprises
IPEDS	10 years	Office of Business Enterprises
IRS Form 990	Permanent	Office of Business Enterprises
Legal Documents (deeds, mortgages, other contracts)	Permanent	Office of Business Enterprises
Notes & Bonds Payable	Permanent	Office of Business Enterprises
Payroll Payables	7 years	Office of Business Enterprises
Payroll Personnel Files	10 years after termination	Office of Business Enterprises
Payroll IRS W-2s	10 years	Office of Business Enterprises
Payroll Time Cards & Daily Reports	7 years	Office of Business Enterprises
Perkins Loans Paid – Files	7 years	Office of Business Enterprises
Perkins Loans Original Promissory Notes	Permanent	Office of Business Enterprises
Perkins Loans Reports	Permanent	Office of Business Enterprises
Property Records (taxes, construction purchases)	Permanent	Office of Business Enterprises
Purchase Orders	7 years	Office of Business Enterprises
Sales Taxes, Hotel/Motel Taxes, B&O Taxes	10 years	Office of Business Enterprises
Student IRS 1098s	10 years	Office of Business Enterprises
Student Accounts Receivable – paid in full	7 years	Office of Business Enterprises
Student Accounts Receivables –balances owed	Permanent	Office of Business Enterprises

Retention and Disposal of Research and Sponsored Program Records

This statement outlines the College policies pertaining to the retention and disposal of research and sponsored program records.

Type of Record	Retention Period	Official Repository
Basic Research Records		
Research Data	3 years after submission of the final report of the research to the sponsor, unless a longer retention period is specified under the agreement or grant rules.*	Office of Institutional Research
Conflict of Interest Forms (NSF and PHS funded studies)	3 years or as determined by individual award agreement	Office of Institutional Research
Research misconduct records	7 years after completion of the proceeding or the completion of any PHS proceeding involving the research misconduct allegation under subparts D and E of 42 CFR 93.317, whichever is later.	Office of Institutional Research
Human Subject Research		
Human Subject Research related records including research results, research and regulatory records, research proposals, publication, consent forms, etc.	3) years after the completion of the research, either electronically or as hard copy. In accordance with federal HIPAA privacy regulations, records containing protected health information (PHI) are retained for at least 6 years after the completion of the research.	Office of Institutional Research
Research Ethics and Review Board Records, including membership lists, training materials, review and approval	3 years after the completion of the	Office of Institutional

records, policies and procedures, investigations of non-compliance, etc.	research	Research
Type of Record	Retention Period	Official Repository
Research and Sponsored Programs		
Administrative and Financial Records		
Grants, contracts, and cooperative agreements including funded proposals	3 years from date of submission of the final report unless a longer retention period is specified under the agreement or grant rules	President's Office & Office of Institutional Advancement
All financial records, documentation and reports pertinent to an award (Federal, State, Private)	3 years from date of submission of the final report unless a longer retention period is specified under the agreement or grant rules.	Office of Business Enterprises, Office of Academic Affairs, or the Office of Institutional Advancement
Supporting documents and statistical records pertinent to a federal, state or private award	3 years from date of submission of the final report unless a longer retention period is specified under the agreement or grant rules.	Office of Institutional Advancement or Office of Academic Affairs
Basic Research Records		
Research Data	3 years after submission of the final report of the research to the sponsor, unless a longer retention period is specified under the agreement or grant rules.*	Office of Institutional Research

* If pediatric research, until the youngest subject turns 25 years old.

College Relations, Communications and Government Relations

This statement outlines the College policies pertaining to the retention and disposal of College Relations, Communications and Government Relations records.

Type of Record	Retention Period	Official Repository
College Development Records		
Fundraising and Gift Receipts	5 years after end of registration period	Office of Institutional Advancement
Planned Giving Documents	Permanent as determined by needs of College	Office of Institutional Advancement
Donor Agreements Related to all other Gifts/Donations	Permanent as determined by needs of College	Office of Institutional Advancement
College Advancement Planning Records	Permanent as determined by needs of College	Office of Institutional Advancement
Alumni Records		
Alumni Membership Lists, Mailing List and Related Correspondence	Permanent	Office of Institutional Advancement
College Communication Records		
Photographs, video, other Images (Including Supporting Photography Consent Form, Release, Waiver, or Similar Necessary Authorizations)	Permanent as determined by historical relevance – one copy	Office of Institutional Advancement, Booth Library, or Department of Athletics
Advertising and Public Relations Materials	Permanent as determined by historical relevance – one copy	Office of Institutional Advancement, Booth Library, or Department of Athletics
College Publications (Including Source Records Supporting Publications)	Permanent as determined by historical relevance – one copy	Office of Institutional Advancement, Booth Library, or Department of Athletics
College Wide Events Event Records (e.g. Guest List, Invitations, Seating Charts, Brochures, Agenda and Other	Permanent as determined by historical relevance –	Office of Institutional Advancement, Booth Library, or

Materials Memorializing the Event)	one copy	Department of Athletics
Government Relation Records		
Government & Community Relations Records (e.g. Federal, State and Local Lobbying & Legislative Records, Reports and Correspondence with Government Agencies)	Permanent	President's Office

Human Resource Records

This statement outlines the College policies pertaining to the retention and disposal of human resource related records.

Type of Record	Retention Period	Official Repository
Personnel/Payroll		
Job Announcements and Advertisements	2 years	Human Resources
Individual Applicants Who Are Not Hired		
Employment Applications, Resumes	2 years after search completed	Human Resources
Background Investigation Results	2 years after search completed	Human Resources
Resumes	2 years after search completed	Human Resources
Letters of Recommendation	2 years after search completed	Human Resources
Employees		
Employee Personnel Files	7 years following separation	Human Resources
Employee Benefit Files	7 years after discontinuation or change of benefits	Human Resources
Required Personal Employee Information (Name, Address, SS#, Pay, Hourly or Salaried)	7 years after separation	Human Resources
ADA Records	5 years after separation	Human Resources

Continuation of Insurance Benefits (COBRA) Records	4 years	Human Resources
Family and Medical Leave Case Files	3 years after employee separation	Human Resources
I-9 Forms and Other Employment Verification Records	3 years after hire or 1 year after separation, whichever comes later	Human Resources
Job Descriptions	3 years	Human Resources
Promotion and Salary Increase Records	7 years after separation	Human Resources
Unemployment Compensation Claims, Unclaimed Salaries	7 years	Human Resources
Workers' Compensation Claims	10 years	Human Resources
Payroll Records – Individual Employees		
Payroll Additions/Deductions, Overtime Authorization	4 years	Human Resources
Time Cards or Sheets	4 years	Human Resources

Faculty Personnel Records

This statement outlines the College policies pertaining to the retention and disposal of faculty personnel records.

Type of Record	Retention Period	Official Repository
Faculty promotion records	7 years after separation	Academic Affairs
Student Evaluations of Faculty Courses	3 years after completion of course	Academic Affairs

Information Technology and Telephone Service Records

This statement outlines the College policies pertaining to the retention and disposal of information technology and telephone service records.

Type of Record	Retention Period	Official Repository
System Documentation, Systems Maintenance Documents	5 years	Independent College Enterprise (Colleague)
Computer Performance Reports, Security Documentation	5 years	Information Services
Vendor Service Orders, Tape Backup	5 years	Information Services

Records		
Descriptions of the accessibility features of the College's telephone services; Information about the compatibility of the College's telephone services with peripheral devices or specialized premise equipment commonly used by individuals with disabilities to achieve access.	2 years	Information Services

Environmental, Health and Safety Records

This statement outlines the College policies pertaining to the retention and disposal of environmental, health, and safety records.

Type of Record	Retention Period	Official Repository
Environmental Regulations Records (Documentation of institutional compliance with environmental laws and guidelines of federal, state, or local governments.)	10 years	Physical Plant
Chemical and Hazardous Waste Disposal Records	30 years	Physical Plant
Material Safety Data Sheets Records	30 years from the date the substance was last received in the workplace	Physical Plant & Housekeeping
Training Records (OSHA)	30 years from the date on which training occurred after employee separates	Physical Plant & Office of Compliance & Ethics
Toxic Substance Exposure Records	30 years	Physical Plant
Fire Safety Records, Audit Reports	Permanent	Office of Public Safety & Physical Plant
Drug Screening, Employee Asbestos Monitoring, Employee Exposure Records, Employee Medical Records, Employee	30 years after separation	Office of Human Resources

Medical and Exposure Records		
Accident Reports	30 years after termination	Office of Human Resources

Federal Communications Commission (FCC) Radio Licensing Records

This statement outlines the College policies pertaining to the retention and disposal of FCC Radio Licensing records.

Type of Record	Retention Period	Official Repository
Original application and other related records not created for renewal applications	5 Years after termination of license or final denial of application	Office of Student Life
Renewal application and related records, including copy of license	5 years after renewal or termination of license or final denial of application	Office of Student Life
Request for frequency data research	1 Year	Office of Student Life

Legal Records

This statement outlines the College policies pertaining to the retention and disposal of legal records.

Type of Record	Retention Period	Official Repository
Contracts, Closing Documents, Due Diligence Files	Permanent	Office of Business Enterprises
Patent Files, Research Files, Trademark Registrations, Copyright Registrations	Permanent	Office of Business Enterprises
Regulatory Filings, Government Investigation Files	Permanent	Office of Business Enterprises & President's Office
Other Litigation and Investigations	Permanent	Office of Business Enterprises & Presidents Office

The Office of Public Safety Records

This statement outlines the College policies pertaining to the retention and disposal of campus safety and security records.

Type of Record	Retention Period	Official Repository
Dispatch Records	3 years, or until case is adjudicated, whichever is longer	Office of Public Safety
Clery Act Crime and Fire Records/Statistics	3 years from date of incident	Office of Public Safety

