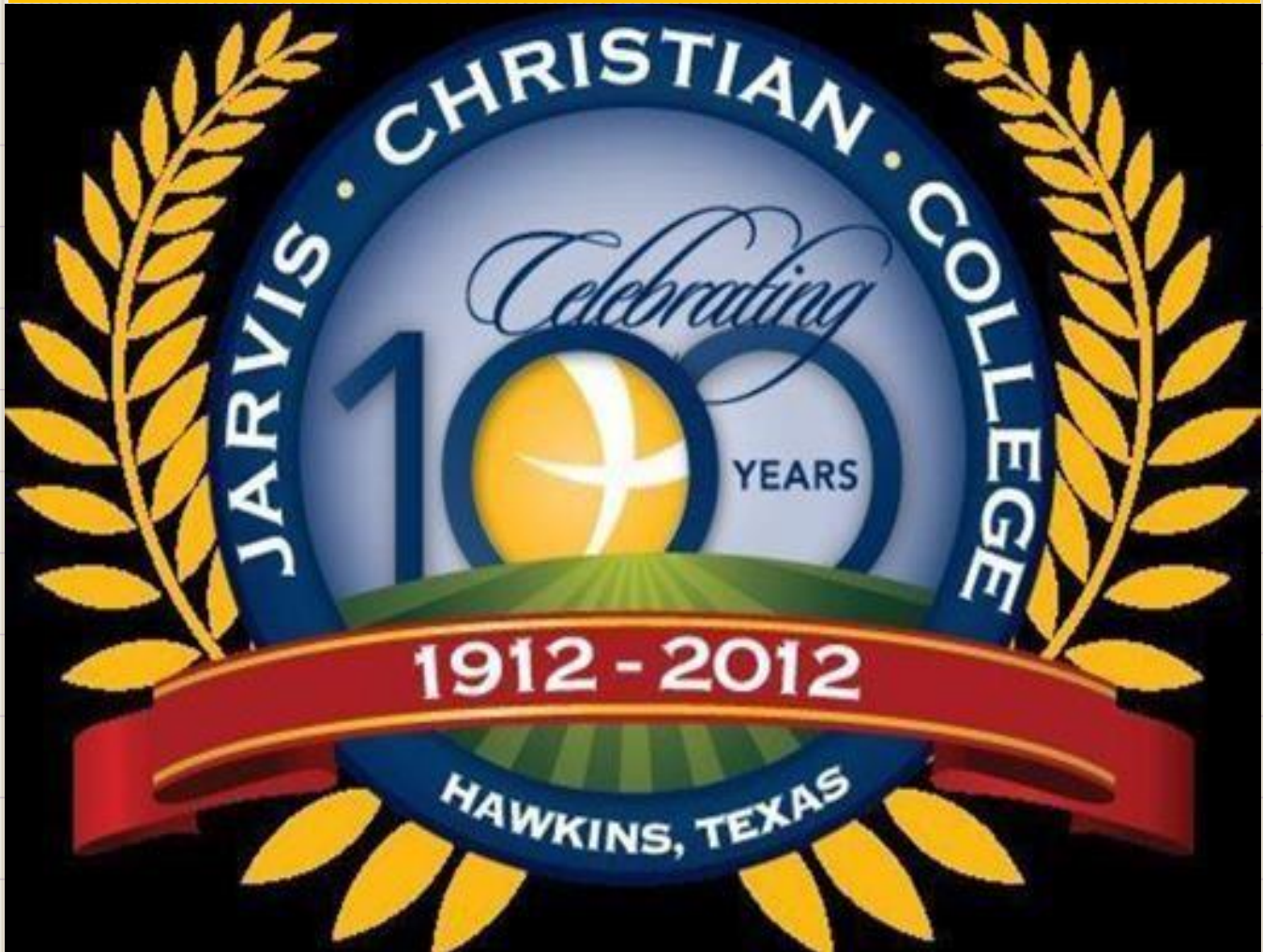


# ADMINISTRATIVE HANDBOOK



## Jarvis Christian College

**Office of Human Resources**  
EBS Building (Admin building)  
PR 7631, HWY 80 East  
P.O. Box 1470  
Hawkins, Texas 75765

Revised March 10, 2021



## ACCREDITATION STATUS

**Jarvis Christian College** is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to award associate and baccalaureate degrees. Contact the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097, or call 404-679-4500 for questions about the accreditation of Jarvis Christian College.

The Commission is to be contacted *only* if there is evidence that appears to support the College's significant non-compliance with a requirement or standard. Normal inquiries about Jarvis Christian College, such as admission requirements, financial aid, educational programs, etc., should be addressed directly to the College and not to the Commission's office.



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**THE HISTORY OF JARVIS CHRISTIAN COLLEGE**

Jarvis Christian College is a historically Black College that has been affiliated with the Christian Church (Disciples of Christ) since its inception. The College began as Jarvis Christian Institute, modeled after Southern Christian Institute, Edwards, Mississippi, and its formal instructional program commenced January 13, 1913, with an enrollment of twelve students, all in the elementary grades.

The recorded history began in 1904 when the Negro Disciples of Christ in Texas, spearheaded by Mrs. Mary Alphin, State Organizer, in conjunction with the Christian Woman's Board of Missions, began planning for a school for Black youth. Financial goals were set. The Negro Disciples of Christ in Texas were to raise \$1,000 for a school; the Christian Woman's Board of Missions would contribute \$10,000, if this were done. Meanwhile, Miss Virginia Hearn, State Secretary for Women's Work, convinced Mrs. Ida Van Zandt Jarvis of the need for a school for Black youth.

In turn, Mrs. Jarvis worked to persuade her husband, Major James Jones Jarvis, to donate land upon which a school could be built. In 1910, Major and Mrs. Jarvis deeded 456 acres of land near Hawkins, Texas, to the Christian Woman's Board of Mission on the condition that it keep up and maintain a school for the elevation and education of the Negro race...in which school there shall be efficient religious and industrial training. Inherent in the spirit of the donation was that the land would be used to educate *head, heart, and hand* and to produce useful citizens and earnest Christians.

In 1912, Mr. Thomas Buchanan Frost, a graduate of Southern Christian Institute, who was to serve as Superintendent, came to start a school. Soon, Mr. Charles Albert Berry, also a Southern Christian Institute graduate came to serve as Principal.

In 1914, Mr. James Nelson Ervin came from Johnson City, Tennessee, to be the first President.

In 1938, Mr. Peter Clarence Washington came from East St. Louis, Illinois, to serve as the second President.

In 1949, Dr. John B. Eubanks assumed administrative duties as Executive Vice-President. He was named the third President in 1951.

In 1953, Dr. Cleo Walter Blackburn, who served as consultant to President Eubanks, began his eleven-year tenure as the fourth President.

In 1959, Dr. John Oliver Perpener, Jr. was named Executive Vice President and served as resident executive. In 1964, an alumnus became Provost and Chief Administrative Officer.

In 1972, Dr. John Paul Jones was appointed the sixth President.

In 1976, Dr. Earl Wadsworth Rand, an Alumnus and former Dean of Jarvis Christian College, became the seventh President.

In 1980, Dr. Charles Albert Berry, Jr., an alumnus, became the eighth President.

In 1988, Dr. Julius Franklin Nimmons, Jr., became the ninth President.

In 1991, Dr. Sebetha Jenkins became the tenth President.

In 2009, Dr. Cornell Thomas became the eleventh President.

On April 2, 2012, Dr. Lester C. Newman became the twelfth President and who is currently serving in that capacity.

### **THE PHILOSOPHY**

Jarvis Christian College, having been founded by and continuing its affiliation with the Christian Church (Disciples of Christ) for the purpose of higher education, seeks to give added meaning to all its activities by making religion and spiritual values of central importance. A Christian Church exists on the campus. Students, faculty members and their families and friends are invited to attend and participate in the services of the campus church.

Since religious ideas are so inextricably involved with the American political and cultural tradition, Jarvis Christian College proposes to expose its students to religious ideas and to challenge them to put faith into action within the college community. Insofar as respect for the dignity and worth of the individual is common to both faith and democratic practice, the development of a personal faith may be seen to be doubly important. At the same time, Jarvis Christian College recognizes that effective religion must be voluntary and that denominational insistence and insulation are inconsistent with the broadly ecumenical spirit of the Christian Church (Disciples of Christ).

Recognizing that democracy is ideally both an end and a means to other meaningful ends in education; Jarvis Christian College seeks to encourage in its members an acceptance of the primacy of individuals as persons and the necessary interdependence of the concepts of freedom and responsibility. Students, seeking experiences and wisdom, are the reason for the existence of Jarvis Christian College. All personnel are challenged to demonstrate both competence and compassion as they patiently help students toward further maturity.

An accredited College like Jarvis Christian College is not only a teaching institution which collects and passes on to its students the accumulated knowledge and scholarship, but it is also a many-faceted center of learning in which equally important obligations include enrichment and advancement of knowledge through creative research and scholarly and scientific services to its communities. Jarvis Christian College accepts these obligations and seeks to foster an environment in which outstanding scholars and scientists in all fields may flourish as they teach.

### **A COVENANT BETWEEN THE CHRISTIAN CHURCH (DISCIPLES OF CHRIST) AND ALL COLLEGES AND UNIVERSITIES AFFILIATED WITH THE CHRISTIAN CHURCH**

## **THE COVENANT PREAMBLE**

Church-related institutions of higher education have had and should continue to have a crucial role in the Church's mission. The Christian Church (Disciples of Christ) desiring to reaffirm its commitment to the role of higher education in the fulfillment of its total mission, and this institution of higher education related to the Christian Church (Disciples of Christ), desiring to reaffirm its role and relationship in the Church's total mission, do voluntarily enter into covenant as follows:

## **THE CHURCH**

1. The Church will be a learning and informed church, which encourages the pursuit of understanding, knowledge and wisdom.
2. The Church will reinforce and advocate the purpose of the academic institution in promoting open exploration of ideas and the responsible use of scholarship encouraging the pursuit of truth for the betterment of individuals and society.
3. The Church will recognize the right, desirability and necessity of the institution to be under the independent control of its own governing board and not that of the individual, the state or of the Church.
4. The Church will join as a partner with the institution to dialogue between faith and knowledge and in support of academic freedom.
5. The Church will serve as a resource in recruitment and referral of qualified administrators and faculty personnel
6. The Church will assist the institution when appropriate, in those matters, which relate to the pastoral concerns of its students, faculty, administration and staff.
7. The Church will provide supportive services to the institution through the Division of Higher Education and other general administrative units and manifestations of the Church.
8. The Church will encourage periodic official and unofficial campus visits by Church personnel to further the understanding of the inception and to discover ways in which common goals and purposes can be attained.
9. The Church will acknowledge the formative nature and on-going worth of higher education in the past, present and future of the Christian Church (Disciples of Christ).
10. The Church will encourage and assist its congregation in making qualified students aware of the available educational opportunities at the institution and will share in financial aid to students.
11. The Church will make a financial commitment to the institution consistent with the established procedures for financial support from the Christian Church (Disciples of Christ) and will assist in donor solicitation and fund raising.
12. The Church will state in its Year Book and Directory and other appropriate documents and literature its relationship with the institution.

## **THE INSTITUTION**

1. The institution will focus the learning experience upon the total person through continual inquiry, scholarship and research among its staff, faculty and students.
2. The institution will maintain educational standards of excellence with accreditation by appropriate bodies while preparing persons to develop their individuality and to make responsible use of their knowledge, skills and abilities.

3. The institution will reflect the Judeo-Christian tradition in its leadership consistent with its charter and the laws of the land.
4. The institution will provide within the framework of academic freedom on-campus curricular opportunities for religious understanding, including Biblical studies.
5. The institution will use the personnel services of the church, particularly its Division of Higher Education, as a resource for locating prospective administrators, faculty and trustees.
6. The institution will provide on-campus opportunities for voluntary workshop and other means for the moral and ethical development of persons with its collegiate community.
7. The institution will cultivate a service relationship by offering to congregations, regions and general administrative units of the church the resources of higher education - personnel, programs and facilities.
8. The institution will seek to understand the church's concerns, aware that the church and institution hold in common the development of persons to their highest potential and the shaping of a society beneficial to all.
9. The institution will include in its structure a means of preserving its Christian Church (Disciples of Christ) heritage and will pursue the vital relationships, goals and purposes common to the institution and the Church.
10. The institution will give due consideration to admitting qualified students recruited by congregations and will seek to help applicants through counseling and financial aid, irrespective of race, creed or national origin.
11. The institution will abide by the funding procedures and disciplines established for organizations receiving financial support from the Christian Church (Disciples of Christ) and will administer itself in a responsible manner with financial integrity.
12. The institution will state in its catalog and other appropriate documents and literature its relationship with the Christian Church (Disciples of Christ).

The Christian Church (Disciples of Christ) and our colleges and universities hereby agree and covenant with each other in accordance with the above and foregoing.

### **THE MISSION**

Jarvis Christian College is historically Black liberal arts, baccalaureate degree-granting institution affiliated with the Christian Church (Disciples of Christ). The mission of the college is to prepare students intellectually, through academic programs that promote excellence in teaching and learning; socially, through student-centered support programs that encourage positive and constructive communication among peers, faculty, and staff; spiritually, through programs that stimulate spiritual growth and worship; and personally, through interaction that fosters self-development and maturity. The mission further seeks to prepare students for professional and graduate studies, productive careers, and to function effectively in a global and technological society.

# **THE ADMINISTRATIVE STRUCTURE**

## **SECTION - HR 2.0**

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### **THE BOARD OF TRUSTEES**

Under its charter issued by the State of Texas, its Board of Trustees controls Jarvis Christian College. The bylaws, as amended, provide that the Board of Trustees consists of up to 25 members in two categories. General trustees are elected in staggered classes and hold office for a term of three years. The representative trustees are the Student Government Association President, the Jarvis Christian College/Southern Christian Institute National Alumni and Ex-Students Association President, and a faculty representative, all of whom are nominated to the Jarvis Christian College Board of Trustees upon their election by their respective constituencies.

Regular meetings are held in the months of April and September. Other meetings are held at the call of the Chair of the Jarvis Christian College Board of Trustees. The Board of Trustees decides matters of basic policy, approves budgets, selects the President and is the ultimate authority for all College-related matters.

Officers of the Board of Trustees are the Chair, the Vice-Chair, the Secretary, the Treasurer and such other officers, as the Board deems necessary. Standing committees of the Board of Trustees are the Executive Committee, the Finance Committee, the Academic Affairs Committee, the Student Affairs Committee, the Nominating Committee, the Investment Committee, the Building and Grounds Committee, the Technology Committee, Audit Committee, Compensation Committee, Strategic Committee, and the Human Resources Committee. The Executive Committee acts for the Board as authorized.

### **THE PRESIDENT**

The President of the College is the Chief Executive Officer of Jarvis Christian College, accountable to and appointed by the Jarvis Christian College Board of Trustees. The duties reflected in the title include the general and active management of the business and other affairs, executing all orders, resolutions, and policies, recommending policies, appointing personnel, and presenting a budget to the Board of Trustees.

### **THE EXECUTIVE CABINET**

The President of the College is the Chair of the Executive Cabinet, and the Chief of Staff is the Secretary. Ordinarily, persons who want to appear before the Executive Cabinet may do so by writing a letter to the Chief of Staff at least five days prior to the desired meeting date, indicating the nature of the presentation. The individual will be notified concerning the disposition of the request.

Membership on the Executive Cabinet consists of the President of the College, the Chief of Staff, the Provost/Vice President for Academic Affairs, the Vice President for Finance and Administration, the Vice President for Student Services, and the Vice President of Institutional Advancement and Development.

### **Chief of Staff and Director of Administrative Management Programs/Title III**

The Executive Assistant to the President is accountable to the President for all special projects and assignments from the President and assists the President by serving as a liaison between students, faculty, and staff in addition to coordinating and monitoring subordinate programs and projects to attain goals and objectives of the work unit.

### **Provost/Vice President for Academic Affairs**

The Vice President for Academic Affairs is accountable to the President of the College for the administrative management and supervision of the Jarvis Christian College instructional program. This includes, but is not limited to, supervision of the academic divisions, the faculty and the academic support programs.

### **CFO/Vice President for Finance and Administration**

The Vice President for Administration and Finance is accountable to the President of the College. Duties and responsibilities include, but are not limited to, the administrative management, supervision, and implementation of the financial operations, budget preparation, budget development, administrative management and program development, and supervision of all aspects of facilities and maintenance entities.

### **Vice President for Student Services**

The Vice President for Student Affairs is accountable to the President of the College. This includes, but is not limited to, student program development, administrative management and supervision of the student life programs.

### **Vice President for Institutional Advancement and Development**

The Vice President for Institutional Advancement and Development is accountable to the President for administrative management, program development, supervision and operation of all fund fundraising, development and implementation of financial and other resource developments and public relations

## **STANDING COMMITTEES**

### **Academic Affairs**

The general functions of the Academic Affairs Committee are to present ideas and/ or plans that enhance the total College program, to examine alternatives for proposed or existing strategies, to formulate recommendations for action to the Executive Cabinet and/ or the President, as appropriate, and to serve as an information channel of the College. Examples of specific functions of this committee include plans and recommendations for changes in academic policy and of other matters of policy that affect the total College, endorsement or disapproval of extensive revision of existing degree programs and/or plans for new degree programs, and the review of plans and recommendations from the various operation of the Academic Affairs component of the College.

### **Budget**

The Budget Committee will provide the leadership necessary for preparing the annual College budget. The Budget Committee will establish procedures relative to budgetary matters facilitate the budget planning process and make recommendations to the College President. The Budget Committee shall be a subcommittee of the Fiscal Affairs Committee and will receive, review and

analyze budgets from all components of the College and make recommendations to the Fiscal Affairs Committee.

### **Convocations, Commencement and Chapel**

The Committee will plan, promote, and effect academic assemblies such as the weekly assembly and Honors Day. Other special occasions that promote the goodwill of the College may also be planned by this committee.

### **Financial Aid**

The Financial Aid/Appeals Committee will review student appeals for financial aid and make a recommendation for or against reinstatement of financial aid based on the academic performance of the student.

### **Founder's-Homecoming**

This committee is responsible for planning, coordinating, and conducting the activities for the period designated as Founders' and Homecoming. The committee maintains close coordination with the College President and the National Alumni Association. Many responsibilities are delegated to provide a period of pageantry, education, celebration public relations, fund-raising, history, and fellowship. Representative participation of the entire Jarvis Christian College Family is encouraged during these activities.

### **Library**

The Library Committee has three major functions, which are as follows: (1) to assist the library staff with the requirement of the educational program of the College, (2) to assist the staff with the procurement of funds for increasing holdings, and (3) to encourage the faculty to assign students advanced assignments

### **Promotion and Tenure**

The Committee recommends tenure and/or promotion to the Vice President for Academic Affairs, who, in turn, submits recommendation to the College President for Board approval.

### **Religious Life**

The function of this committee is to share with the Director of Religious Life in the planning and implementation of various religious activities that are designed to raise aspirations and the quality of life among members of the Jarvis family.

### **SACSCOC Leadership**

The primary responsibility of the SACS Leadership Committee is to provide leadership and guidance in the completion of any documents related to the SACS process. The Committee consists of the President, Executive Cabinet, and faculty and staff representation.

### **Special Occasion**

The Special Occasions Committee is charged with providing logistical support for institutional programs that are sponsored by the College. The Committee will plan, organize, coordinate, promote, and facilitate special events including, but not limited to, all institutional programs such as the Lecture Series; Convocations; MLK Celebration; Black History Program; Summer Conferences; Masquerade Ball (in conjunction with the Office of Institutional Advancement); Pioneer Hall of Fame; Founder's/Homecoming; the Christmas Concert; and other events as designated by the President.

### **Staff Grievance**

The function of this committee is to hear grievances brought by employees after solution to the problems have not been accomplished at lower levels. The Grievance Committee will accumulate and study the facts in the case and will submit a written report of its findings and recommendations to the President within a period of seven (7) days. The President will review the committee's recommendations and will make a final decision as to the disposition of the submitted grievance.

### **Strategic Planning**

The Committee plans and determines the possibilities for refining sectors of the total program and environment Jarvis Christian College. The Committee is responsible for recommending the establishments and implementation of various institutional changes.

### **Student Disciplinary**

With the responsibility of considering matters referred by the Vice President for Student Services, it is the charge of this committee to review and investigate issues relative to the violation of College rules as enumerated in the Student Handbook. Additionally, the committee is authorized to recommend to the College President action(s) deemed beneficial to the student(s) concerned and the College.

### **Technology and Users**

The Technology Committee will provide leadership and recommendations relative to the acquisition of computers and computer programs for classroom and administrative use. Additionally, the committee will monitor the effectiveness of the utilization of all hardware and software purchases.

### **Chain-of-Command (Protocol)**

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In order to conduct business properly and in order, all employees must adhere to some established procedures, commonly referred to as protocol or "chain-of-command". Established procedures of protocol applies to all employees at the College, as well as, all persons interacting with the College, to ensure that all issues are heard and decisions are made in an effective and efficient manner.

Any issue, including suggestions for improvements, complaints, and other requests for action should be directed to the immediate supervisor and/or director of that respective area. If the response does not satisfactorily address the issues, then it should be brought to the attention of the Vice President of that Department. The Vice President has the responsibility for reviewing issues and resolving at the department level. If the Vice President does not have the authority or resources to resolve the issue at the department level, it is the Vice President's responsibility to bring the issue to the attention of the Office of the President.

In addition, requests to direct reports should be directed through the Vice President's Office or the Vice President and Director/Supervisor should be copied on the request.

With the exception of the President, Faculty and Staff are expected to adhere to the "chain-of-command" policy effective immediate. This policy does not preclude access to any of the administrative officials in the case of exceptional matters.



## **PERSONNEL POLICIES**

### **SECTION – HR 3.0 – Equal Employment Opportunity/Affirmative Action Policy – 3.1**

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Jarvis Christian College is an equal employment, equal access, equal educational opportunity, and affirmative action institution which adheres to all federal and state civil rights laws banning discrimination in public institutions of higher education.

Jarvis Christian College declares as policy that all applicants for admission and employment, students, parents, employees, sources of referral of applicants and employment, and all entities having business with the College are hereby notified that this College does not discriminate on the basis of race, color, national origin, religion, sex, age, veteran status, physical or mental disabilities, or sexual orientation.

The College assures that all applicants for employment and all College employees are given equal consideration based solely on job-related factors, such as qualifications, experience, performance, and availability. Equal consideration applies to all personnel actions, including, but not limited to, recruitment, selection, appointment, job assignment, training, transfer, promotion, merit increases, demotion, termination, pay rates, and fringe benefits. The Human Resources Director reviews, evaluates, and monitors all personnel matters to ensure that they are in accordance with this policy.

It is the policy of Jarvis Christian College to comply with all federal and state laws, rules, guidelines, including the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act (ADA) of 1990, Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, Executive Order 11246, and all subsequent amendments and regulations which prohibit discrimination as described herein.

The College is committed to protect qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment on the basis of disability. The College will also provide qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship.

The Human Resources Director will take seriously and investigate, promptly and thoroughly, all charges of alleged discrimination in employment, and inform College employees of their rights in regard to equal employment.

Jarvis Christian College shall take action, to the extent allowed under state and federal law, to ensure fulfillment of this policy and distribute information regarding equal employment opportunity through the employee handbook, new employee orientation materials, training materials, staff meetings, and various publications. For questions or more detailed information regarding this policy, or to file a complaint regarding violation of this policy, please contact the Office of Human Resources, located in the EBS Building, Office #106 or call (903) 730-4890, Ext. 2901. Students requiring disability related accommodations for participation in any event or to obtain printed materials in an alternative format, please contact the Office of Disability Services, located in the Student Success Services (SSS) Building or call (903) 730-4890, Extensions 2302 or 2307.

## **PERSONNEL**

### **SECTION 3 –The Employment Process – HR 3.2**

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#### **Administrative and Staff Employees**

Employment for all administrative and staff employees will be provided through a letter from the President. Employment at Jarvis Christian College is “At Will”. Employment may be terminated by either party with or without cause.

In the event the services of an employee are not desired, the employee will receive a letter of notification from the College President.

All appointments, promotions and salary increments require performance evaluations and recommendations for continued employment. Terms and conditions of service for all employees of the College are carefully enumerated for each category of employment.

#### **Salary Schedule**

Advancement on the salary schedule is normally at the rate of one step per year of satisfactory performance of duties, if funds are available. Employees advance at least one increment upon moving from one position column to a higher column. Salary schedules provide for uniform advancement, based upon years of service to Jarvis Christian College without regard to race, creed, color, religion or national origin.

The salary schedules are reviewed and updated yearly.

#### **Employment Classifications**

**The following shall govern the classifications of employment recognized by the College:**

##### **Full Time Staff**

Employees who work 40 hours a week per terms of agreement are considered full time.

##### **Part Time Staff**

Employees who work less than 40 hours a week and are not entitled to employment benefits.

##### **Temporary Staff**

Employees who are hired for a specified term, usually no more than ninety (90) days. Temporary employees are not entitled to any employment benefits.

**Staff Personnel** are divided into four basic groups:

**Executive/Administrative Personnel** are those employees whose positions require primary and major responsibility for decision-making and/or management of the College. These persons usually direct the work of others.

**Other (Support Service) Personnel** are employed for the primary purpose of performing academic support, student service and institutional support activities.

**Clerical and Secretarial Personnel** are those employees whose positions require clerical or secretarial duties. This category includes personnel who are responsible for internal and external communications, recording and retrieval of data or information, and other clerical work.

**Service/Maintenance Personnel** are those employees whose positions contribute to the safety and maintenance of campus life.

### **Emeritus Staff**

Administrative and general staff employees may be granted the *Emeritus* designation at the time of or after retirement. If granted, the term *Emeritus* is added after the title held at the time of retirement. Candidates for *Emeritus* status must have been associated with the College for at least ten years and must have contributed unusually meritorious service to Jarvis Christian College.

The procedure for nomination and appointment of staff to *Emeritus* status is the same as that for staff promotion. *Emeritus* status does not entitle the holder any mandatory compensation from Jarvis Christian College, but such persons are accorded full staff benefits in the matter of cultural and social activities and attendance at Jarvis Christian College sponsored events. The names and titles of all *Emeritus* staff members are printed in the College Catalog.

## **PERSONNEL**

### **SECTION 3 – The Employment/Selection Process - HR 3.3**

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#### **Creation of New Position**

New positions must be requested by the senior administrative officer at the time of budget preparation. At any other time, a written request should be submitted to the College President. Approval of a new position will depend on the available budgeted funds and need for the position.

#### **Recruitment and Selection**

If the decision is made to fill a budget administrative or general staff vacancy or a new position, upon receipt of an approved *Notice of Personnel Request Form*, with attached updated job description, the Human Resources Office shall:

- Prepare position announcement and post on the website.
- Review the active applicant files to determine if any persons contained therein might be qualified for the vacant position.
- Publicize by contacting Texas Employment Commission and other employment agencies.
- Place classified ads in local newspapers and professional journals and publications.
- Acknowledge receipt of applications, review and conduct initial screening in accordance with position description, and schedule testing as required.

- Forward all applications to the appropriate search committee for evaluation and selection of final candidates.
- Schedule selected applicants for interview through use of employment review form.

All prospective employees must complete and submit an application for employment, resume, three letters of recommendation and official transcript(s) (when applicable) to the Human Resources Office. Vacant positions may be filled by promotion, transfer, rehire or new hire. Applications and/or resumes are kept on file for six-months date. Employees considered for rehire must submit a new application and resume.

**Search Committee (Department Heads or Managers) will:**

1. Interview referred applicants.
2. Complete the employment review form, return it to the Human Resources Office, and advise of recommended action for consideration.
3. Upon final selection, complete a Recommendation to Employ Form and return to the Human Resources Office, along with all applications for employment. When the paper work is received in the Human Resources Office, the candidate will be notified to return to the office to complete the Employment Eligibility and Verification (INS Form 1-9).

When all required documents are received, showing the applicant is employable for the position, the Human Resources Director will forward the recommended applicant file to the Office of the President for final approval.

**Notification:** Upon the approval of the candidate by the College President, the Human Resources Office will request the candidate to come in to complete proper forms for employment with the college.

**Salary Requirement:** The Salary specified on the Recommendation to Employ Form must be in accordance with the regulations set forth in the appropriate salary schedule. Any exceptions recommended by department head and/or senior administrative officer must have final approval of the President.

**Letters of Assignment:** All employees of the College shall be employed by a Letter of Assignment prepared by the Office of Human Resources. Before the letter is legally in effect, it must be signed by the College President and the employee.

No employee shall be permitted to perform services on behalf of the College until the letter of appointment is signed and returned to the Office of Human Resources.

**Assignment Extension**

The recommendation to the President and the administration not to renew an assignment under this policy shall not be based on an employee's exercise of Constitutional rights or based unlawfully on

an employee's race, color, religion, sex, national origin, disability, or age. Reasons for not extending an employee's assignment shall be:

1. Financial exigency
2. Deficiencies pointed out in observation reports, appraisals or evaluations, supplemental memoranda, or communications.
3. Failure to fulfill duties or responsibilities.
4. Incompetence or inefficiency in the performance of required or assigned duties.
5. Inability to maintain discipline in the classroom or at assigned school-related functions.
6. Insubordination or failure to comply with official directives.
7. Failure to comply with Board policies or administrative regulations.
8. Conducting personal business during school hours when it results in neglect of duties.
9. Drunkenness or excessive use of alcoholic beverages; illegal use of drugs, hallucinogens, or other substances regulated by the Texas Controlled Substances Act.
10. Conviction of any felony or any crime involving moral turpitude.
11. Failure to report any arrest, conviction, or deferred adjudication for any felony or any crime involving moral turpitude as required by policy.
12. Failure to meet Jarvis Christian College's standards of professional conduct.
13. A significant lack of student progress.
14. Assault on an employee or student.
15. Falsification of records or other documents related to Jarvis Christian College's activities.

### **Duration of Assignments**

#### **Staff Personnel**

Except for those staff employees mentioned below, all other staff employees may be employed for a twelve-month period of a following calendar year or portions of a year thereof. The beginning dates are stipulated in each **Letter of Assignment**.

#### **Other Staff Personnel**

As approved by the President of the College, support personnel may be employed on a nine-month, ten-month or eleven-month basis.

#### **Summer Assignments**

Summer appointments are based on the needs of the College. Nine-month employees, if needed and selected for summer duty, will be notified by an official letter from the President. This notification will specify duty assignment, dates of employment and salary.

### **Renewal and Non-Renewal of Employment**

Renewal of employment for all employees will be through a letter from the President. In the event the services of a faculty or staff employee are not desired for the next applicable employment period, the employee will receive a letter of notification of the same from the College President.

Employment at Jarvis Christian is an "at will" relationship; either the employee or the employer may dissolve the employment relationship at any time, with or without cause, and with or without notices.

**Accommodation of Employees or Applicants with Disabilities (Physically Challenged)** In its hiring and personnel action, Jarvis Christian College does not discriminate against individuals who are disabled. The College provides reasonable accommodations (if not an undue burden) for applicants and employees with disabilities so they can complete the application process or perform their work.

**Requests for Accommodations**

Applicants who need an accommodation for a disability should advise the Human Resources Director. Employees who are disabled and need accommodations should inform one of the following: their immediate supervisor, department chair/director or Human Resources.

**Additional Requirements**

An individual who requests accommodations may be asked to provide a statement from a physician or other health care professional explaining the individual's functional limitations. The College at its discretion may require a medical examination or medical inquiry to confirm the individual's functional limitations by a health care professional it chooses.

A person not satisfied with the accommodations provided, may seek advice from the Human Resources Office.

**PERSONNEL**

**SECTION 3 – Performance and Evaluation Process - HR 3.4**

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**Performance Evaluations for Staff**

This policy is applicable to all regular, continuous employed, staff, regardless of time worked (FTE). This policy is not applicable to faculty or students.

**New Hire Probationary Period**

A probationary period of six (6) months shall prevail for newly employed general staff and administrative personnel. The purpose of the probationary period is to allow time for a supervisor to orient an employee to the work requirements and expectations of the position and to determine whether or not the employee demonstrates satisfactory knowledge and skills in the performance of the work assignments. **At any time during the probationary period, either party may terminate employment without notice.** Employment at Jarvis Christian is an “at will” relationship; either the employee or the employer may dissolve the employment relationship at any time, with or without cause, and with or without notice.

Staff members who **transfer** to new positions also must complete a six-month probationary period. If the adjustment is not satisfactory, the individual may be returned to his or her previous position or a similar position, if either is available and circumstances so warrant.

**Performance Evaluations (Staff Employees)**

It is the policy of the College to conduct performance evaluations with employees at least on an annual basis. However, performance evaluations may be conducted more frequently as determined by the administrator. New employee evaluations will be conducted in accordance with procedures established under Orientation for New Employees (See Orientation Period). Reviews with employees on a scheduled basis are an employee development activity intended to assist and

motivate employees to attain their maximum potential. Faculty employees will refer to the faculty handbook.

Supervisors are responsible for conducting thorough, impartial and timely performance evaluations with employees who report directly to them. Evaluation forms are intended to assist supervisors in recording their assessments of employee performance and in communicating their appraisals with employees.

The written results of an evaluation, including supervisor and employee signatures and any statements, will be retained in the department, and the staff member shall receive a copy of his/her finalized performance evaluation upon request.

The date of the last performance evaluation for each employee shall be maintained by the department on the Human Resource System. Evaluation forms may be obtained from the Human Resources Office.

### **Supervisor Training**

All supervisors who conduct performance evaluations are required to receive training in the techniques of a uniform and effective staff performance evaluation program at least once every three years.

These training sessions should include presentations and discussions of such subjects as:

- Detailed explanation of the employee performance evaluation and rating system to be used.
- Instructions as to what the administration of the department expects in the way of performance standards and the requirements for disseminating the expectations to all staff members
- The requirements and desirability of maintaining an effective and uniform evaluation program within and among all units of the department
- Caution about the pitfalls of common errors which can cause problems in performance rating, including:
  - rating all staff as average
  - allowing one aspect of a staff member's performance to influence the entire evaluation
  - over-valuing or under-valuing a given factor
  - discriminating based on race, sex, age, religion, ethnicity, color, national origin, sexual orientation, religion, veterans' status, or qualified disability
- Criteria used to evaluate the performance of the staff should be directly related to the skills, abilities, and behaviors required to accomplish the work. The criteria or factors may vary with the type of work being reviewed. A current job description should be maintained on each position.

### **Process Improvement Plan**

In the event that a staff member is rated "Needs Improvement" or "Unsatisfactory," with a serious problem concerning performance and/or behavior, and the staff member does not show satisfactory progress upon being informed of the deficiencies, a department should recommend a Process Improvement Plan to address any deficiencies. (This type of Process Improvement Plan should not be used for minor deficiencies; minor matters should be reviewed in the supervisor's daily contact

with the staff member.) The following procedures are suggested for conducting Process Improvement Plan:

- The immediate supervisor or higher ranking supervisor should initiate the action for staff deficiency review.
- The staff member should be given a clear explanation of the deficient performance or problem behavior.
- The expected level of performance or behavior and the action necessary to meet the expectations should be outlined, along with the time frame allowed for improvement and the consequences for failure to meet the standards set forth.
- At the close of the review, the staff member should be advised as to when the matter will again be discussed, and this date should be noted. ○ The supervisor shall "follow up" the review on the date set to determine whether the staff member is making progress in the correction of the problems outlined in the review, or whether further corrective action is needed.
- In the event that the staff member's performance does not improve, the department may find it necessary to take further disciplinary action, including discharge.
- Appropriate records should be shared with the employee and higher ranking supervisor and maintained in the employee's personnel file in the department.

### **PERSONNEL SECTION 3 – LEAVE POLICY - HR 3.5**

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#### **Leaves**

Some leaves, including professional/educational leaves, may be granted for periods of up to one year based upon the nature of the employee's need for the leave, department staffing, and other relevant considerations.

Leaves are submitted by recommendation of the employee's supervisor, in consultation with the Human Resources Director with the final approval of the Office of the President. When a person is on leave, the other staff members may be asked to do the work of an individual on leave. However, if the position is to be filled, reasonable efforts will be made to fill it with temporary personnel. The College attempts to place employees returning from leave in the same or equivalent position of employment. However, the College does not guarantee reinstatement at the end of a leave.

Employment may be terminated if:

- The individual resigns,
- The individual fails to report for work when not on leave,
- There is not a position on the same level or a lower level available when the employee is able to or desires to return to work,
- At the time the individual is able to return to work, no position acceptable to the employee is available and he or she refuses the position offered, or a disabled employee with accommodations (that are not an undue burden) is unable to perform the essential functions



of the job or to perform his or her duties without endangering the health and safety of the employee or of others.

### **Types of Leaves**

Leaves of absence from active employment with the College with or without pay may be granted for the following reasons.

#### **Bereavement Leave**

Employee's bereaved by the death of a close relative are granted time off with salary for a period of three days per year. Relative is defined as a parent, grandparent, spouse, sibling, child or anyone of like relationship by marriage. Bereavement leave after three days is chargeable to sick leave up to a maximum of ten (10) days.

#### **Jury Duty**

The College will continue salary in full for the full time employee called to jury duty provided the following conditions are met: the summons is presented to the supervisor and Human Resources Director at least three days prior to the time scheduled to serve and evidence is provided to Human Resources of having served on a jury for the time claimed.

#### **Family Medical Leave Act (FMLA)** ***(Approved at May, 2015 Board Meeting)***

Jarvis Christian College is committed to compliance with the Family Medical Leave Act (FMLA) of 1993. The purpose of this policy is to provide eligible employees unpaid, job protected leave for up to 12 weeks during any 12-month period. Leaves of absence for medical reasons can be granted for the period of time an employee is declared unable to work by his/her physician with appropriate documentation for the following medical reasons:

- for incapacity due to pregnancy, prenatal medical care, or the birth of a child;
- to care for the employee's child after birth, or placement of a child for adoption or foster care;
- to care for the employee's immediate family (i.e., spouse, son, daughter, or parent) who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform his/her job responsibilities.

The employee or his/her authorized representative may request the leave. Furthermore, the appropriate supervisor or department chair may also initiate said leave. The employee's appropriate administrative officer, in consultation with the Human Resources Director, will recommend approval of the leave.

For approval of a Family Medical Leave, the College requires a physician's statement specifying the date the employee first became unable to work and the anticipated date for the employee's return to work.

Employees are eligible for a Family Medical Leave if they have worked for Jarvis for at least 12 months and have worked at least 1,250 hours in the 12-month period preceding the request for the leave.

During the Family Medical Leave, Jarvis will maintain the employee's health benefits on the same conditions as if the employee had continued to work. If the employee wants benefits to continue during the Family Medical Leave, he/she must continue to pay the share of the premiums for these benefits at the same contribution rate as if he/she were an active employee. Upon return from the Family Medical Leave, employees will be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

An employee does not need to use this leave entitlement in one block; leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the operations of the College.

### **Sick Leave**

The College provides medical leave with compensation to all employees whose absence from work is required by his personal illness or injury. Employees are eligible for one (1) working day of medical leave after completing (1) month of continuous, uninterrupted employment. Medical leave is earned at the rate of one (1) day per month and can be accumulated from year-to-year up to a maximum of sixty days. Medical leave will not be granted if the absence is due to an illness or injury incurred while committing a felony or illness or injury resulting from paid employment of any kind other than employment by the College.

In the case of any doubt as to the existence or cause of an illness or injury, which requires absence from work, the decision of a physician selected by the College will be final.

An employee who is sick on an observed holiday receives regular holiday pay for that day, and is not deducted from medical leave credit. When an employee becomes ill or disabled while on vacation, the employee may use accumulated medical leave, provided the supervisor is notified as soon as possible and the employee submits satisfactory evidence confirming the illness or disability. If an employee is absent from work due to illness or injury **for three (3) or more days**, a statement should be submitted from the employee's physician.

If an employee is unable to perform assigned duties as a result of compensable on-the-job injury, the employee may use medical leave and/or vacation leave in order to continue receiving salary.

Upon termination of employment, an employee cannot apply for remuneration of unused sick days.

### **Military Leave**

The College will grant a leave of absence without pay for military leave subject to the following conditions:

Any employee who presents official orders requiring attendance for a period of training or other active duty as a member of the United States Armed Forces, State Reserve Corps or State Guard will be granted leave of absence without pay for the period of such services. Upon completion of

such service, and the employee received an honorable discharge, the employee will be reinstated to their former position in accordance with the applicable laws regulating such matters. Benefit plans and accruals are not continued while an employee is on permanent active duty.

### **Advanced Study Leave (All Employees)**

After three years of continuous full-time employment, an employee could be eligible for study leave pending the availability of funds from external or internal sources, or where appropriate, without pay. A recommendation must be made by the immediate supervisor, endorsed by the division chair, senior administrative officer and approved by the College President.

In instances where the leave is funded by external or internal sources, the employee must agree to pursue advanced study in an area based on the needs of the College, as recommended and approved through the lines of authority. The amount of financial support (when available) shall not exceed the regular salary and shall be given as an advanced study stipend.

The employee must repay to Jarvis Christian College two years of post-study leave service for each full year of study leave. Study leave with or without pay shall not exceed two years.

### **Sabbatical Leave**

Sabbatical leave may be granted to faculty at the end of five years of service for one year with half-salary or at the end of seven years of service for one year with full salary. This policy is dependent on the availability of institutional funds. Other faculty leaves of absence may be supported with external funding.

### **Special Leave**

Special leaves of absence without pay may be allowed for periods of inactive employment covering more than one day, but not exceeding one year. If an absence is to continue for longer than one year, the employee is to notify the Human Resources Director to this effect and request a specified extension of time at least thirty days prior to the expiration date of the leave of absence. The senior administrative officer and the employee's supervisor will review the request for extension and jointly recommend an extension or termination of the leave of absence to the President of the College who may approve or deny the recommendation. If the request is denied and the employee is unable to return to work, the services of the employee are terminated and the official date of termination is the last day of the originally approved period of leave.

Ordinarily, special leaves of absence are granted without pay. Payment to employees on special leave of absence is considered to be unusual and must have the written approval of the President of the College.

## **PERSONNEL SECTION 3 – HOLIDAY POLICY - HR 3.6**

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### **Holidays**

The College recognizes certain days during the year as paid holidays for its employees. The following days will be observed as paid holidays:

Martin Luther King's Observance Day  
Good Friday  
Memorial Day  
Independence Day  
Labor Day

Thanksgiving Day  
Friday after Thanksgiving  
Christmas Eve  
Christmas Day  
New Year's Eve  
New Year's Day

In addition to the holidays listed above, eligible employees may be allowed additional days off with pay as announced by the President.

**Eligibility**

Regular full-time twelve-month employees are eligible to receive the above holidays "off" with pay. Employees classified as part-time or temporary are not eligible for pay for holidays.

**Holiday within a Vacation Period**

Should a holiday occur during an employee's vacation period, an additional day of vacation will be allowed.

**Holiday on Saturday or Sunday**

If a holiday falls on Saturday, it will usually be observed on the preceding Friday. If a holiday falls on Sunday, it will usually be observed on the following Monday. If a holiday falls on Saturday or Sunday, employees regularly scheduled to work on Saturday and Sunday will observe the holiday on another day designated by the College.

**PERSONNEL SECTION 3 – VACATION POLICY - HR 3.7**

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**Vacation**

It is the policy of the College to grant vacation with pay to regular full time twelve-month employees to the extent of accrued vacation time up to the maximum allowed.

**Entitlement**

Eligible employees are entitled to annual vacation leave based on the work schedule. Vacation time may be taken at the pleasure of the employee upon final approval of the President and the convenience of the College. Requests for the same time off by two or more persons in any department that will have an adverse effect on the functions of the College may not be approved. Employees with seniority will be given preference in competitive requests. Annual entitlement based on full-time employment is:

**Years of Service**

6 Months - Up to Year 2	48 hours per year (6 days)
3 – 5 Years	96 hours per year (12 days)
6 + Years	144 hours per year (18 days)

## **Accrual**

At the beginning of the fiscal year (July 1 – June 30), the College will credit 12-month employees with proposed accrual vacation days for the entire benefit year. Clarification: Although these days are credited at the beginning of year, vacation days must be earned at the accrued rate.

New twelve month employees start to accrue vacation time at the rate of 8.00 hours per month after completing 6 months of employment. In the first year of employment, credit for 6 vacation days will be applied at the beginning of the seventh month.

Employees **must** schedule and take vacations within the current fiscal year. Actual vacation time taken and eligible vacation days will be reconciled for each employee at the end of the fiscal year. In the event that an employee is separated from the College for any reason during the fiscal year, adjustments for vacation time taken in excess of eligible vacation days will be applied in calculating final compensation. Where there are extenuating circumstances, vacations not taken by June 30 may be carried forward to the next fiscal year, but **must** be approved through normal channels of authority to the President. However, the President has the right to deny carry-over vacation requests. Under no circumstance, can carry-over vacation exceed 5 days. Carry-over vacation days are forfeited if not taken by **December 31** of the ensuing fiscal year.

With the exception of paid holidays, whenever you plan to take, or have taken, any leave of absence (e.g., vacation leave, sick leave, personal leave, funeral leave, leave without pay, and court leave), you will need to fill out a “**Absence Report – Vacation Time or Other Leave**” form. These forms should be completed prior to your taking leave; however, sick leave reports may be prepared after the leave has occurred. This form is located in the Office of Human Resources and must be submitted to your immediate supervisor for approval before or immediate upon your return to the College. Clarification: All leave and vacation requests must have the final approval by the President prior to commencement or for unplanned leaves, immediate upon the return to the College.

## **PERSONNEL SECTION 3 – OTHER BENEFITS AND SERVICES - HR 3.8**

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### **Group Insurance**

Regular full-time employees of the College are eligible for participation in the College’s group health and life insurance program. Details of the plans are available in the Human Resources Office.

The College pays a portion of the premium for participating employees. The employee pays the balance of the premium and the entire premium for any dependent coverage. In addition, group dental insurance is provided for employees and dependents. The employee pays the full premium for this coverage. Group insurance will become effective when the application is completed and received by the insurance company. A new employee is eligible for group insurance *immediately upon employment with the College, and the employee must enroll or waive coverage within the first thirty (30) days of employment.*

### **Retirement/Pension Plan**

The College offers a defined retirement plan option, a 403(b) plan, for employees through VOYA Financial (formerly known as ING). There is no waiting period; however, after being employed

for six (6) months, the College will begin contributing up to three (3) percent of the employee's salary.

For those employees who have been grandfathered into the pension plan, administered by the Christian Church (Disciples of Christ), this plan provides long-term disability and term life insurance benefits. Employees have been permitted to contribute 6% or 14% of their salary for the first two years of active continuous service. The College contributes 8% beginning with the third year of active continuous service, while the employee contributes 6%. For more detailed information, please contact the Office of Human Resources.

### **Social Security (FICA)**

All employees of the College are covered under the Federal Insurance Act (FICA), also referred to as the Social Security Program. The Act provides benefits, such as disability, old age, and survivors' benefits. The College and employee contribute a designated percent of the employee's salary for FICA coverage in accordance with the established rate.

### **Unemployment Compensation**

The Texas Unemployment Compensation Act covers regular employees of the College. The College reimburses the Texas Employment Commission directly for benefits paid to former employees. This benefit is provided without cost to the employee.

### **Workers' Compensation Insurance**

The College carries Workers' Compensation Insurance, which is maintained in accordance with the laws of the State of Texas. The insurance is provided without cost to all employees.

Workers' Compensation provides for the payment of (1) cost of medical treatment for injuries arising out of and in the course of employment, and (2) loss of wages.

All injuries received while performing duties, as an employee of Jarvis Christian College must be reported immediately to the immediate supervisor. The supervisor should complete the First Report of Injury Form no matter how trivial the incident seems at the time. This form, which may be obtained from the human Resources Office must be completed by the employee or supervisor and returned to the Human Resources Office. The required forms will be submitted to the insurance carrier and Industrial Accident Board as appropriate. When no sick leave or vacation leave is remaining, the employee may be compensated at a rate established by the Texas Workers' Compensation Act.

In cases where the employee has no sick leave or vacation accrued, there is a seven-day waiting period before compensation begins. In no instance should an employee receive full salary from the College and Workers' Compensation pay at the same time.

### **Cafeteria Plan (Section 125)**

The College provides a flexible benefit plan administered by Colonial Life Insurance, which affords tax savings to employees by using qualified insurance premiums. Participation is voluntary.

### **Tuition Discounts**

College employees are eligible for a 50% discount on actual tuition charged. Persons eligible for tuition discounts must apply prior to the semester in which the discount is sought. Dependents of active employees will also be eligible for tuition discount at a rate of 50%, pending the dependents application prior to the semester in which the discount is sought.

### **Professional Development**

Jarvis Christian College recognizes that the key to a successful educational program is a well - trained, competent staff dedicated to professional growth. While professional growth through participation in ongoing staff development activities is the responsibility of all employees, the encouragement for such professional growth is a College obligation. Therefore, the College is committed to the development and scheduling of appropriate staff development activities which will enable employees to effectively meet their responsibility.

An effective staff development program which meets identified student, College, and personal needs must:

- serve all employees;
- meet the identified needs of staff;
- provide an appropriate balance among skills training, skills maintenance, and program development; and
- provide for input from staff members in program development.

In accordance with this policy, the College will maintain a staff development program, committing time and available resources to enhance the skills and attitudes of its employees.

Jarvis Christian College recognizes that an appropriate orientation program can aid in the assimilation of new staff members into the College community and can also contribute to the continued growth of returning personnel.

The College provides mandatory orientation for all employees. Part-time faculty/staff members are also required to attend where they learn about issues that directly affect them as well. Each new employee receives information on the College's history, mission, vision and values, as well as Board directives and policies. In addition to this general information, each employee receives an orientation to their functional unit from their supervisor.

All employees shall participate in the in-service program. Failure to participate, unless a medical certificate attesting to illness is presented, or an emergency leave is granted, and the approval of the President, may constitute an instance of neglect of duty. In-service training programs shall address matters related to all aspects of the College community.

Employees of the College with at least one (1) year of service may take up to three (3) semester hours during the regular workday at Jarvis Christian College to increase their competence and/or work performance in their current position and to prepare them for advancement. A 50% discounted rate on actual tuition charged for those three (3) hours and a reduced, or waived, fee whichever is appropriate will be applied to the employee's account. This is subject to approval by the immediate supervisor, area and/or division chair, senior administrative officer, and the

President. Employees may also take courses elsewhere as long as course sessions do not conflict or affect the employee's duty with the College.

### **Library Services**

Books are loaned to faculty/staff for a two- week period, but may be re-checked after that time for further use. All books are subject to recall if needed by other patrons. Books charged to a faculty/staff member should not be loaned to students without a change of library record.

Spouses and children of faculty/staff members may charge materials out for the regular loan period and are liable for any lost book charges or fines incurred.

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## **PERSONNEL SECTION 3 – WAGE AND SALARY ADMINISTRATION - HR 3.9**

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### **Fair Labor Standards Act**

Jarvis Christian College is subject to the minimum wage and overtime pay provisions of the Fair Labor Standards Act of 1938, as amended.

### **Exempt Status**

This position meets the FLSA tests for exemption from the timekeeping and overtime provision of the Act.

### **Nonexempt Status**

This position does not meet the FLSA test for exemption from the overtime and timekeeping provision of the Act, and the employee must be compensated for overtime.

### **Minimum Wage**

The Fair Labor Standards Act currently specifies that those employees covered by this law will be paid no less than the minimum wage.

### **Overtime Pay**

The Fair Labor Standards Act requires (for those employees covered by the law) premium time payment for all hours worked over forty hours in a scheduled workweek. Compensatory time off may not be granted in lieu of cash compensation for hours worked in excess of forty hours per week unless the time off can be granted during the same pay period as the overtime worked. Prior approval by the immediate supervisor, senior administrative officer and the President of the College are required before committing Jarvis Christian College to overtime pay.

### **Payday**

Full-time employees are paid on the last working day of the month.

Non-exempt employees are paid twice a month. Employees are responsible for submitting their hours worked via timesheets. Supervisors are required to approve employee timesheets and submit to the Payroll Office on or before the designated due date.



### **Administrative Office Hours**

Normal office hours established for the College are 8:00 a.m. to 5:00 p.m. Monday through Friday, with one hour for lunch. The hours will be observed by all staff employees. A rotation schedule must be followed in administrative offices in an effort to provide service without closing the office during the lunch hour. The department head will assign the lunch hour. Alternate work schedule agreement form must be completed and on file in the Office of Human Resource for employees who do not work the normal office hours (i.e., residence hall coordinators, maintenance, and IT support)

### **Financial Exigency**

#### **General Statement of Policy**

Should a condition of financial exigency or the threat of it ever exist at the College, the Board of Trustees and its standing committees, the President of the College ("President"), the administrative officers, and the appropriate committees participate in a manner consistent with their duties and purviews as defined in the By-Laws of the Board of Trustees.

Financial Exigency is an imminent financial crisis that threatens the survival of the College as a whole and that cannot be alleviated by less drastic means than reductions in professional staff including the termination of appointments. ("Termination" refers to the release of personnel through means other than non-renewal of contract: e.g., the early ending of an unexpired contract in the case of personnel or the release from contract of untenured/tenured faculty members).

#### **Recommendation**

Recommendation to the Board of Trustees whether to declare Financial Exigency is the sole prerogative of the President. President shall make a recommendation to the Board whether to declare financial exigency.

**The Board of Trustees, alone, has the authority to declare a state of financial exigency.**

## **PERSONNEL SECTION 3 – OUTSIDE EMPLOYMENT/CONSULTANT WORK- HR**

### **3.10** *(Board approved July 15, 2021)*

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Before accepting outside employment or consulting work, all full-time employees are required to inform Human Resources and obtain written approval from the Office of President.

This is not a formality, and approval may be denied at the discretion of Jarvis Christian College. Employees must be able to demonstrate that outside employment

- (i) does not interfere with their responsibilities as full time employees of Jarvis Christian College,
- (ii) will not create a conflict of interest, and

- (iii) will not cause Jarvis Christian College to violate any law, regulation, and/or grant provision.

If approved, at all times, the employee's job duties at Jarvis Christian College must take priority over any other arrangements. The scheduling of outside employment activities must not inhibit the satisfactory and timely completion of responsibilities associated with the employee's status at Jarvis Christian College.

An outside employment approval document must be signed by (1) the employee, (2) Provost and VPAA (if the employee is a faculty member), and (3) the President. The approved document must be submitted to the offices of Human Resources, Academic Affairs (if the employee is a faculty member), and President.

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### **PERSONNEL SECTION 3 – ATTENDANCE POLICY - HR 3.11**

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Jarvis Christian College endeavors to keep employee attendance at a maximum and absences at a minimum. However, Jarvis Christian College realizes that absences are unavoidable, and therefore, allows certain absences with or without pay.

#### **Responsibilities of all Employees**

Every employee of Jarvis Christian College has the following obligations and responsibilities concerning absence, regardless of regular or temporary status, position or work assignment, and regardless of eligibility or non-eligibility for absence pay allowance, or regardless of whether it is a regular scheduled work day or non-scheduled work day.

#### **Advance Notice**

When the need for being absent from work is known in advance, the employee must notify the supervisor at least five days in advance.

#### **Notice of Unexpected Absence**

When an employee who has not given advance notice finds that it cannot be given, the employee or someone else must notify the immediate supervisor before starting time or within the first hour of the normal work schedule.

#### **Tardiness/Absence Guidelines**

Punctuality and regular attendance are important factors in consideration for job retention and advancement. Excessive tardiness and absences are subject to disciplinary action. Any employee who is tardy more than five times or three unexcused absences in a twelve (12) month period will be subject to disciplinary action and/or dismissal. Unless an absence has been authorized in advance, or an absence is either unavoidable or justifiable, every employee is expected to report for scheduled work. In all cases an executed Absence Report Form should be submitted to the Human Resources Office.

### **Failure to Give Notice**

Failure of an employee to give the notice required in the paragraphs as stated above, unless manifestly impossible, shall constitute cause for reasonable disciplinary penalty, including cause for denial of absence pay allowance, suspension, or dismissal.

## **PERSONNEL SECTION 3 – CONFLICT RESOLUTION/GRIEVANCE PROCEDURE - HR 3.12**

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### **Grievance Procedure**

Jarvis Christian College is committed to providing the best possible working conditions for all employees. This commitment strives to ensure that all employees are treated fairly in all matters relating to their employment. If a problem or concern cannot be resolved at the supervisor, department chairperson or vice president's level, then the employee can make a written request to the Human Resources Director or Vice President for Fiscal Affairs\* to have their concerns heard by the Grievance Committee. The grievance procedure commences only after all informal means have been exhausted through the lines of communication and authority and is available only to full-time non-probationary employees of the College. Employees have a right to participate in the established grievance process without fear of reprisal. However, please understand that all problems cannot be successfully handled to the exclusive satisfaction of all parties involved. The faculty, staff, and administration of Jarvis Christian College maintains that if all affected individuals, and groups, work collaboratively many situations can be resolved to the general satisfaction of all involved.

If a situation occurs when employees believe that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps:

1. Employee presents grievance to immediate supervisor after the incident occurs. A written grievance statement should be submitted to the supervisor outlining the following:
  - a. nature of the grievance and facts upon which it is based;
  - b. the law(s), rule(s), regulation(s), policy(s) or procedure(s), if any, alleged to have been violated;
  - c. the remedy or relief requested.

If the supervisor is unavailable or employee believes it would be inappropriate to contact that person, the employee may present the problem to the next level of management. This statement must be submitted within ten (10) working days following the event on which the grievance is based.

2. Supervisor responds to problem during discussion or after consulting with appropriate management, when necessary. The supervisor should give his or her written response within ten (10) working days after statement is received. All documentation should be forwarded to the Human Resources Director for retention.

3. If the employee is dissatisfied with the supervisor's response, a written appeal stating the reasons for continued dissatisfaction may be made to the next level or division vice president. Copies of the grievance statement and the supervisor's response should be attached. This appeal should be submitted within (10) working days of the supervisor's response. A copy of the appeal and all attachments should be forwarded to the Director of Human Resource.
4. The area manager if applicable, or vice president receiving the appeal will investigate the grievance. This may include meetings with the employee, supervisor, and the Human Resources Director. After reaching a decision, the area manager or vice president will send a written response to the employee within (10) working days after receipt of the appeal. A copy of the decision will be sent to the Human Resources Director including proposed sanction, if any.
5. If the employee is dissatisfied with the vice president's response, a written appeal stating the reasons for continued dissatisfaction may be made to the Human Resources Director for submittal to the Grievance Committee within (5) working days of the vice president's response. This appeal includes a statement of the resolution sought and copies of all previously written statements concerned with the case.
6. The Human Resources Director will notify the President of the appeal to the grievance committee. The President will review the grievance committee to insure that the committee is composed of faculty/staff members not previously involved in the process. Copies of documents provided to the President will be transmitted to the committee. A hearing will be scheduled within (5) working days.
7. The committee will meet, select a recorder and review the case. The committee moves to conduct an investigation with access to all pertinent files, records, interviews with faculty, staff and administrators as appropriate. The committee will submit a report to the President within (5) working days recommending the following:
  - a. Rejection of the complaint (i.e. for insufficient grounds or appropriate action previously rendered) or
  - b. Acceptance of the complaint, with recommended sanction.
8. The President reviews the file and accompanying recommendation and gives the grievant and the accused employee written notification of the disposition of the case within (5) working days of the receipt of the committee's recommendation.

*\*In the absence of the Human Resources Director, the Vice President for Fiscal Affairs will serve in that capacity.*

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**PERSONNEL SECTION 3 – DISCIPLINE POLICY AND PROCEDURES - HR 3.13**

It is the policy of Jarvis Christian College to keep open the lines of communication between the administration and employees and to establish a friendly, cooperative work environment that will eliminate serious disciplinary problems.

The President will provide directors, supervisors, managers, and coordinators with the necessary preparation and training to maintain an efficient and productive work force to enable them to recommend appropriate disciplinary actions against employees as warranted.

All employees are expected to perform their work efficiently and effectively and to be mindful of the public's expectations of the College and its employees. Supervisors are expected to set an example by their own conduct, attitude and work habits.

If, however, disciplinary problems arise, supervisors should make every effort to ensure that employees have a thorough understanding of the College's policies and an awareness of what is expected in the area of job performance.

It is the intent of this policy to ensure that supervisors are consistent in taking disciplinary action against employees involved in similar situations.

### **Purpose of the Policy**

The purpose of this policy is to provide guidelines for disciplinary action to ensure that everyone is treated fairly and that there is due process. Application of these guidelines must be consistent and equitable so that all employees receive like treatment for similar offenses.

The following procedures have been developed to ensure compliance and consistency with all regulations that pertain to disciplinary action at Jarvis Christian College.

### **Reporting Procedures**

All employee disciplinary issues shall be reported to the Human Resources Director who will proceed with the following actions:

1. Inform the President or designee of the personnel issues immediately
2. Investigate the matter as directed
3. Make appropriate recommendations to the President or designee in writing as deemed necessary

**All supporting documentation shall be included.**

### **Disciplinary Action Process**

The basis of effective employee discipline is knowledge and acceptance of performance responsibilities which are to be understood by both the supervisor and the employee. This will ensure that the employee will be forewarned that failure to meet job responsibilities will result in some form of disciplinary action by the College. The employee should also be told that the severity or impact of the offense determines the degree at which disciplinary action will be administered. Failure by an employee to meet job responsibilities should result in immediate and consistent action by the supervisor; that is, the infraction should be called to the employee's attention as soon as

possible after the offense occurs. The disciplinary action recommended for a particular offense should be the same for all employees. When it is necessary for the supervisor to take disciplinary action, he/she must remember that the disciplinary action is directed at a particular act of the employee and is not directed at the employee as a person.

### **Disciplinary Infractions**

- (1) Minor Infraction
  - a. Verbal Counseling
  - b. Written Statement (i.e. written warning)
- (2) Major or Serious Infraction
  - a. Employee Disciplinary Referral
  - b. Consultation
- (3) Severe Infraction
  - a. Immediate Suspension with pay pending HR investigation
  - b. Possible Termination/Dismissal

The following are disciplinary actions which may be taken, and they are listed in order of severity with the least severe action listed first:

- (1) For a *minor infraction*, an employee should receive *verbal counseling* provided by the immediate supervisor concerning the reasons why the infraction was unacceptable behavior or work performance. The employee should be advised as to what is considered appropriate behavior/work performance. If it becomes necessary to give an employee another warning, a *written statement* should be made and placed in the employee's file maintained by the supervisor.
- (2) If the offense continues, or a *major or serious infraction* occurs, an *Employee Disciplinary Referral* should be issued to the employee which should include the following: 1) the time, date, and other facts about the incident which are pertinent; 2) a description of the offense; 3) the actions required on the part of the employee to correct the situation to prevent it from reoccurring; and 4) documentation of any previous oral or written warnings relating to the same type of events. This memorandum should be maintained in the supervisor's office files. The employee may respond to this memorandum. Any response by the employee shall be attached to the memorandum.

In such cases, the signature of the employee is required to acknowledge receipt of the written warning. It does not indicate concurrence with the information contained in the warning. Copies of written warnings should go into the files and a copy should go to the employee. If the employee fails to improve by the date given on the warning, other disciplinary action, including termination, may result.

**Consultation.** Following a written warning, the immediate supervisor should consult with the employee to check on progress and improvement in the problem area. Consultations should be documented accurately as to the dates and outcomes of the meetings.

- (3) Should the offense be extremely serious, or if the offense continues after written notice, or if all of the above fail to produce results, a meeting should be scheduled with the Human Resources Director and the employee file forwarded to the Human Resources Director

documenting the course of events leading up to disciplinary action. This will result in a disciplinary suspension with possible loss of pay for a limited time, reduction in pay for a limited time, or removal from current position. The actual order for such disciplinary purposes must be in writing, and the reasons why the action is taken must be explained in detail in a letter to the employee.

Before such disciplinary action involving the loss of pay occurs, a preliminary review must be held by the Human Resources Director that affords the employee an opportunity to review the charges and provide to the administration reasons why the action should not be taken.

- (4) All disciplinary actions shall be carefully reviewed by the Human Resources Director. If a supervisor believes that one of these actions is justified based on the employee's failure to perform job responsibilities or comply with work rules, he/she may recommend a certain action to the President after the on-site investigation or after the investigation performed by the Human Resources Director. The final decision regarding the nature of a disciplinary action will be that of the President and may result in dismissal.
- (5) The ultimate sanction is dismissal, and this step should be considered only after other means have been exhausted: The events leading up to dismissal shall be of such magnitude and of such a serious nature that termination is in order. Dismissal can be accomplished only after a review process that affords the employee opportunity to review recommended action and provides to administration reasons why the action should not be taken. Final review and approval of all disciplinary actions will be the responsibility of the President.
- (6) *Severe Clause:* If circumstances are such that an employee is being dangerously disruptive; is creating a hazard to herself, other employees, or the workplace; is creating excessive disturbance in the workplace; or if the circumstances are severe (i.e., gross insubordination, intoxication on the job, sexual relations with a student, pending criminal charges, racial slurs, excessive use of force against a student, etc.) then the immediate supervisor has the authority to impose an immediate suspension with pay pending an investigation by the Human Resources Director. The supervisor who imposes suspension MUST then immediately notify the Human Resources Director and provide proper documentation to ensure the required paperwork is completed in a timely manner.

The following factors are to be considered in determining severity of action:

1. Employee's work history,
2. Previous infractions,
3. Severity of infraction,
4. Extent of disruption or impairment to service,
5. Extent of damage to the College, and/or
6. Extent of damage to campus property or the property of others.

A disciplinary action can be imposed for any disruptive behavior, which is any activity that severely impairs the fulfillment of the College's responsibilities; or which causes unsafe, severely inefficient, harassing or threatening work environment; or which severely damages the College's public image or credibility; or which involves disrespectful or threatening conduct to or about other

employees or the general public. The following list of behaviors IS NOT ALL— INCLUSIVE, but it is intended to serve as a general guide:

- Failure to perform job responsibilities during work time
- Excessive tardiness (which may be defined as an hour or more late in reporting to duty or a continuous occurrence of this infraction)
- Unexcused absenteeism
- Leaving without permission
- Malicious use of profane language
- Threatening or engaging in violence (Le., fighting or resulting in injury to others and/or property)
- Insubordination (unwillingness to carry out supervisory directives)
- Dishonesty
- Possession, use, or under the influence of intoxicants
- Possession, use, disbursement or under the influence of illegal drugs
- Unauthorized possession or use of weapons on premises
- Unauthorized use of equipment or property
- Stealing school property or property of a co-worker, or student property of another
- Destruction or abuse of property or equipment
- Falsification of records such as, but not limited to, time and attendance records, employment status, information, records, travel vouchers, etc.
- Unauthorized release of confidential information
- Intentional conduct in violation of the Code of Ethics

### **PERSONNEL SECTION 3 – SEPARATION PROCEDURES - HR 3.14**

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A Separation Clearance Form should be initiated when an employer - employee relationship is discontinued for the following reasons:

#### **Voluntary Resignation**

Should a general staff employee find it necessary to terminate employment, the employee should submit a letter of resignation to the College President with a copy to the immediate supervisor, two weeks prior to the exact date of resignation. In the case of administrative staff employees or senior administrative officers, one month's (30 days) notice prior to the exact date of resignation. In all instances, the immediate supervisor will submit a letter of endorsement or denial through the lines of authority to the College President. The College President will notify the employee of the conditions in which separation may occur with a copy to the Human Resources Office.

#### **College Termination**

Advanced notice from the College will usually be given depending upon the circumstances surrounding the dismissal. An employee will be paid for actual time worked and accrued vacation up to the maximum of the employee's annual entitlement.



### **Retirement Procedure**

When retirement occurs for whatever reason, the employment relationship with the College is effectively severed on the stipulated retirement date. An employee choosing to retire must provide a written notice to the College President one month prior to the exact date of retirement.

### **Death**

Payment to the employee's estate will be paid for actual time worked and accrued vacation leave up to the maximum of the employee's annual entitlement.

### **Procedure for Separation Clearance**

The terminated employee will:

Pick up a *Separation Clearance Form* and *Employee Exit Form* for completion from the Human Resources Office.

Pay or make arrangements to pay any indebtedness owed to the College.

Return library books and other College property.

One day prior to the final workday employee will:

Return completed *Separation Clearance Form*, Exit Interview Form, keys and ID card to the Human Resources Office.

Coordinate with Human Resources and Payroll regarding insurance and leave forwarding address.

### **Final Paycheck**

Upon completion of the required clearance process, a final paycheck will be released on the next regularly scheduled payday or as otherwise directed. W-2 form will be mailed to the forwarding address.

## **PERSONNEL SECTION 3 – COLLEGE KEY PROCEDURES - HR 3.15**

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This procedure will apply to all College keys, including door keys, desk keys, file cabinet keys and storage keys:

The supervisor will obtain a *Key Authorization Form* from the Human Resources Office.

The supervisor will list all keys needed by the employee, sign the *Key Authorization Form* and submit it to the Human Resources Director.

The employee will pick up the necessary keys from the Human Resources Director after signing for each key.

The Human Resources Director will distribute copies of the form as follows: Employee, Supervisor, Human Resources, Business Office, and Physical Plant Office.

All master keys and building keys require approval from the College President.

Employees must pay a replacement fee of \$5.00 for each lost key.

All keys must be returned to the Director of Human Resources upon termination of a position, change or designation, or any movement, which requires different keys, or no keys.

### **PERSONNEL SECTION 3 – SECURITY CHECK-IN/CHECK –OUT PROCEDURES - HR 3.16**

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In the interests of campus security, all College employees working after hours or on weekends are required to follow the established check-in/check-out procedures:

Employees returning to the campus to work after hours must stop at the Security Station and sign in, giving name, date time and the building in which he/she will be working. Employees who work late in their offices after the buildings have closed are required to notify the Security Office for the check-in/check-out log. In either instance, employees must stop by the Security Station upon leaving campus and sign out giving the time.

#### ***Campus Security***

1. Handles all matters relating to campus personnel security.
2. Coordinates requests for emergency assistance.
3. Responsible for enforcement of campus traffic regulations.
4. Reports to Vice President for Student Affairs

### **PERSONNEL SECTION 3 – SAFETY POLICY - HR 3.17**

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Jarvis Christian College has the policy of doing all that is reasonable to provide and maintain a safe and healthful environment for work and study. To accomplish this, the College will provide proper equipment and training in safe work practices and will comply with all federal, state and local codes pertaining to health and safety. All supervisory personnel will be responsible for the safety of personnel under their direct supervision. The Director of Human Resources acts as the OSHA contact for issues and concerns related to OSHA regulations. In addition, refer to Safety and Emergency Management System manual – SEMS.

In addition, each employee and student has a personal responsibility to work in accordance with accepted safety practice and to follow all safety regulations. The duties of others who are involved in the maintenance of a safe environment are outlined below.

### **Safety Committee**

1. Establishes broad and consistent policies relating to all aspects of campus safety.
2. Reviews College safety conditions and makes recommendations for improvement as appropriate
3. Makes recommendations to the President on matters not resolved between operating departments and the safety committee.

### **Safety Officers**

1. Makes periodic inspections of all College facilities and makes recommendations to department head for improvement of unsafe conditions or procedures.
2. Offers advice and assistance in the form of safety engineering as needed or requested.
3. Reviews all new construction and modification of existing facilities for adequacy of safety design.
4. Investigates serious accidents and reports to the Safety committee on their cause and recommendations for prevention of reoccurrence.
5. Keeps records and prepares reports to insure compliance with Occupational Safety and Health Act.
6. Reports to the Vice President for Administration and Finance.

### **Department Heads**

1. Has primary responsibility for the maintenance of safe conditions in the department.
2. Holds supervisory personnel of the department responsible for implementation and enforcement of safety policies.
3. Budgets and authorizes necessary expenditures for safety.

### **Supervisory Personnel**

1. Responsible for the enforcement of established safety policies and practices.
2. Institutes appropriate safety precautions peculiar to their own research or instructional activities.

## **Building Safety Representatives**

1. Reports unsafe conditions to Safety Officers and department head as soon as they are observed.

## **Traffic Safety**

Control of vehicles on the campus is necessary for the efficient operation of the College. The following regulations will be in force at all times.

## **Enforcement**

The Texas laws governing traffic are effective and applicable at Jarvis Christian College. There must be adherence to the traffic laws, rules of the road, speed, parking and noise restrictions within the limits of the campus.

- **Speed Limit:** The maximum speed limit on the campus is 20 miles per hour.
- **Parking:** Parking areas are designated for students, employees and visitors.

Double parking is not permitted anywhere, at any time. No vehicles should park in any of the following areas:

- Within five feet of an intersection
- On lawns or medians
- On curbs or sidewalks
- In front of crosswalks
- Within 20 feet of a fire hydrant
- On spaces designated for loading or unloading
- In front of or on service drives
- At spaces marked "No Parking"

## **Flow of Traffic**

The flow of traffic on the campus will follow the established routes and streets and/or routes as indicated by visible markings.

## **Noise Control**

Operators of vehicles will refrain from unnecessary sounding of horns or other warning devices on campus. All motor vehicles must be effectively muffled. Any such vehicle operated with unnecessary noise on the campus will be considered as violating this provision. To keep costs down, every reasonable effort must be made to return the rental car:

## **Vehicle Registration**

Students, faculty and staff employees must register their vehicles with the Campus Security Office for a campus sticker. If vehicles are brought to the campus after registration has been completed, they should be registered in the Security Office not later than three days after employment. Registration of each vehicle is necessary only once during the fiscal year. Students and Faculty will be assessed a non-refundable fee for registration for each vehicle registered.

All persons applying for vehicle registration under the above provisions will be required to furnish registration information and proof of liability coverage as required by state law.

### **Employee Responsibility**

Employees in whose name a vehicle is registered shall be responsible, at all times, for any liability damage claims (including parking penalties) arising in connection with the possession or operation of the motor vehicle on this campus. The College assumes no responsibility for the care or protection of any vehicle or its contents at any time.

### **Violation and Penalties**

Persons who receive notice of traffic or parking violations should report within seven days to the cashier's window in the Emma B. Smith Administration Building to pay the fine.

Penalties for violations (parking, unnecessary noise, vehicles without stickers, speeding, expired stickers or other driving violations) are payable in cash only.

The College reserves the right to remove any illegally parked vehicle from the campus. The vehicle's owner will be required to pay a towing fee in addition to the parking violation fee after twenty-four (24) hours. Parking violation tickets will be issued for out-of-date permits. Repeated offenses may result in denial of the privilege to operate a motor vehicle on the campus.

## **POLICIES SECTION 4.0 – ETHICAL CONDUCT POLICY - HR 4.1**

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### **General Ethical Conduct**

Each employee is expected to exemplify the following characteristics: self-discipline, respect for the rights of others, honesty, and personal integrity. Employees should also possess the physical stamina and clarity of mind necessary to fulfill obligations within the area of their professional responsibility and academic competence. Additionally, they should strive to establish a spirit of cooperativeness and should be responsive to the leadership of the administration.

Employees are not to access, acquire, use, copy, transfer or disclose confidential information including but not limited to academic records, personnel, and other financial information-except to the extent necessary to fulfill their employment duties. All appropriate action, whether by instruction, agreement, or otherwise, to insure the protection, confidentiality and security of all such information.

### **Code of Ethics**

The same respect for the pursuit and transmission of knowledge that underlies academic freedom also demands self-discipline and rigorous intellectual honesty from all faculty/staff/staff members. They are obligated to be fair, unselfish, responsible, and on occasion self-critical. Students' moral and intellectual growth requires a climate where ethical standards prevail, and the creation of such a climate is a primary responsibility of the faculty/staff/staff. The following statements do not define all areas of faculty/staff ethics, but they do suggest guidelines for professional conduct for the faculty/staff/staff at Jarvis Christian College.

1. The primary responsibility of the faculty/staff member is the transmission and discovery of knowledge.
2. The general attitude of the faculty/staff member toward the rules and regulations of the College should be one of understanding and support. However, when rules seem unjust, the faculty/staff member may take the prescribed steps to alter or remove them.
3. When there is conflict of ideas or activities between faculty/staff members, they should discuss problems in a professional manner. If a solution cannot be found by this means, the matter should be presented to the appropriate administrative officer, who shall act as arbiter.
4. In advising students about the selection of courses, faculty/staff should be careful to deal fairly with the reputations of their colleagues.
5. When faculty/staff observe a student committing an infraction of a College regulation, it is their responsibility to speak to the student on the subject. The nature of the infraction determines whether it should be reported for disciplinary action.
6. Faculty/staff members should refrain from counseling in fields in which they have not had special training. If situations arise requiring special counseling, students should be directed by faculty/staff to the appropriate office.
7. Only the chairperson or secretary of a faculty/staff committee is authorized to make announcements of committee actions. No committee member should reveal information of a sensitive nature (or any information about personnel matters) in such a way as to prejudice and jeopardize committee deliberations and recommendations.
8. Faculty/staff members should be actively concerned with those aspects of the general welfare of their students that affect the education process.
9. Faculty/staff should not tutor students for pay except under conditions known and approved by responsible authorities.
10. Faculty/staff members should make their abilities and influence available for service to the community.
11. Faculty/staff members should not undertake external activities, which would interfere with the performance of their duties at Jarvis Christian College.
12. Faculty/staff should refrain from making public statements about confidential subjects within Jarvis Christian College. They should maintain in strict confidence all departmental or institutional matters not intended for publication or broadcast.
13. Because of the position of trust they occupy faculty/staff members must be careful to avoid any behavior which could be considered sexual harassment and relationships with students which are considered improper. Please refer to the College Policy on Sexual Harassment.

This policy is designed chiefly to serve as a guide for employees to avoid possible conflicts between their employment and outside interests. In those situations, where doubt may exist as to the propriety of certain relationships or activities, employees are encouraged to make a full disclosure of the facts to his/her immediate supervisor, the Human Resources Director, or the President prior to entering such relationships or engaging in such activities. In addition, employees shall not:

\* *Use institutional privileges for private gain.*

Solicit or receive compensation, other than that allowed by law, for performance of his/her duties. This precludes, among other things, acceptance of any gratuities, gifts, or favors that might impair or appear to impair professional judgment; and any personal dealings with any individual or entity with whom he/she has any direct or indirect contact for purposes of obtaining from such individual or entity, noncompetitive contracts, services, or materials.

*Knowingly authorize or employ the authority or influence of his/her office to secure authorization of any public contract in which he/she, a member of his/her family, or any of his/her business associates has an interest.*

\* *Offer any favor, service, or thing of value to obtain special advantage.*

\* *Permit commercial exploitation of his/her professional position.*

\* *Engage in selling any of the following merchandise or services for personal profit to students or parents not approved by the administration, including but not limited to, instructional supplies and equipment, reference books, educational tours, etc..*

\* *Furnish lists of students or parents to anyone selling such materials or services.* Employees will use time granted for leave, planning and workshops for the purpose for which it is intended.

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## **POLICIES SECTION 4.0 – NEPOTISM POLICY - HR 4.2**

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### **Nepotism**

Jarvis Christian College seeks to foster an environment where people are treated with respect and trust. Employment of family members may be problematic because such situations can create a conflict of interest, an appearance of favoritism, and increased potential for a hostile work environment. Because of these concerns, the College is sensitive to circumstances in which relatives of employees might be hired, transferred, or promoted to positions where one relative might have influence over any of the following: a relative's employment, performance review, salary administration, promotion, or other employment-related decisions.

The College requires full disclosure of any relationship to the Human Resources Office at the time of employment or at any time that it occurs in the course of employment.

Relationships covered by this policy include: spouse, spousal equivalents, parents, grandparents, brothers, sisters, children, grandchildren, aunts, uncles, nephews, nieces, and relatives by marriage (in-laws).

## **POLICIES SECTION 4.0 – CONFLICT OF INTEREST POLICY - HR 4.3**

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### **Conflict of Interest Policy**

The purpose of this policy is to establish basic terms and conditions regarding conflict of interest. Employees must refrain from any circumstances whereby the employee will benefit or could be perceived to benefit as a result of the employee's position with Jarvis Christian College, actions or influences, and/or where advancement of those interests are detrimental to the interests and/or reputation of, or potentially harmful to the College.

Specifically:

- An employee shall not accept money, gifts or favors from a student that could compromise or be perceived to compromise the ability of the employee to instruct and evaluate the student in a fair and effective manner.
- An employ shall not accept money, gifts or favors from vendors that could compromise or be perceived to compromise the ability of the employee to conduct business in a fair and equitable manner.

## **POLICIES SECTION 4.0 - SEXUAL HARASSMENT AND DISCRIMINATION POLICY - HR 4.4**

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### **SEXUAL HARASSMENT POLICY**

Jarvis Christian College is committed to maintaining an environment free of discrimination or forms of harassment that unreasonably interfere with the security, well-being, or academic experience of any member of our community. Sexual harassment on Jarvis or in other settings related to Jarvis employment or enrollment is unlawful and will not be tolerated. Jarvis will respond promptly to formal complaints of sexual harassment and, where it is determined that sexual harassment has occurred, will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate. This policy applies to all activities of Jarvis, including any Jarvis sponsored activities away from the campus.

While this policy sets forth Jarvis' goal of promoting a work and educational environment that is free from harassment, the policy is not designed or intended to limit Jarvis' authority to discipline or take remedial action for conduct that Jarvis deems inappropriate or unacceptable, regardless of whether that conduct satisfies the legal definition of harassment.

### **Definition of Sexual Harassment**



Both federal and state laws define and prohibit sexual harassment in employment and in the provision of educational services to students. In Texas, the legal definition of sexual harassment is as follows: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
2. submission to or rejection of such conduct by an individual is used as the basis for employment, grading, or academic decisions affecting such individuals, or
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Under these definitions, direct or implied requests by a supervisor, professor, athletic coach or trainer, or other individual responsible for work or academic evaluations for sexual favors in exchange for actual or promised job or academic benefits constitutes sexual harassment. Benefits include grades, academic assignments, research opportunities, favorable reviews and recommendations, salary increases, promotions, increased benefits and continued employment or enrollment.

Sexual harassment can occur between individuals of the same gender and regardless of sexual orientation. The same standards that apply to harassment between individuals of the opposite sex apply to harassment involving individuals of the same sex.

The legal definition of sexual harassment is broad, and, in addition to the above examples, other sexually-oriented conduct may also constitute sexual harassment. Whether intended or not by the person engaging in the conduct, sexually-oriented conduct that is unwelcome and has the effect of creating an environment that is hostile, offensive, intimidating or humiliating to another on the basis of sex may also constitute sexual harassment.

### **Commitment to Academic Freedom**

As an academic institution, teaching, doing research, and learning are subject to the protections of “academic freedom.” Actions or words used in the context of the academic curriculum and teaching environments that serve legitimate and reasonable educational purposes will not be evaluated as sexual harassment or other unlawful discrimination because of the principles underlying academic freedom.

### **Examples of Conduct**

While it is not possible to list all circumstances that constitute sexual harassment, the following are some examples of conduct that may constitute sexual harassment depending upon the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances – whether they involve physical touching or not;
- Threats or insinuations that a person’s employment, wages, academic grade, promotional opportunities, classroom work assignments or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances;

- Dissemination of sexually explicit voicemail, email, graphics, downloaded material or web sites;
- Unwelcome sexual epithets, sexual jokes, written or oral references to sexual conduct, gossip regarding one's sex life;
- Unwelcome comment about an individual's sexual activity;
- Displaying sexually suggestive objects, pictures or cartoons; □ Unwelcome leering, sexual behavior, or sexual gestures;
- Unwelcome inquiries into another's sexual experiences;
- Unwelcome discussion of one's sexual activities;
- Creating a hostile environment for others by engaging in harassing conduct that affects the workplace, or the teaching or research environment or work assignments, compensation, and/or benefits. In addition to the conduct described above, romantic involvement (even if consensual) between supervisors and subordinates or between a faculty member and a student may create a hostile environment.

Depending on the totality of the circumstances and the nature of the complaint, the fact that a relationship began as a consensual relationship may NOT be a defense to a claim of sexual harassment.

### **Reporting Sexual Harassment Allegations**

If you have supervisory responsibilities and possible harassment or other violations of this policy are reported to you, whether or not the person making the report is personally affected, you must immediately advise the Director of Human Resources verbally, written or both.

If you are a faculty member who receives information from a person who believes that she or he is being or has been sexually harassed, you must immediately advise the Director of Human Resources.

If you are a student, contractor, or employee without supervisory responsibility who has been harassed, witnessed another being harassed, or become aware of harassment, you should contact the Director of Human Resources, a supervisor, or a faculty member for assistance with the situation.

This reporting will result in an evaluation of how best to respond and can include informal resolution, intervention, or filing of a formal complaint (see below). Be aware that the complainant's interest in confidentiality and the reputation of the accused are of equal importance at every stage of considering information shared.

### **Informal Resolution and Opportunities to Ask Questions**

An individual who believes he or she has been subjected to sexual harassment is advised to make it clear to the offender that such behavior is offensive. Early informal methods are often effective in correcting questionable behavior or resolving incidents of possible harassment. A person seeking assistance with an informal resolution should contact Jarvis' Human Resources Department.

## **Formal Complaint**

An individual who believes that he or she has been subjected to harassment may file a formal complaint with Jarvis. This may be done in writing or orally by contacting the Director of Human Resources. If the Director is unavailable or if circumstances make it more appropriate, the complaint may be filed with the CFO/Vice President of Finance and Administration; Provost/Vice President Academic Affairs; Vice President Institutional Advancement and Development; Vice President Student Services; Vice President of Institutional Effectiveness, Research, Planning Assessment and SAS Liaison; or Executive Assistant and Director of Administrative Management Programs. These individuals are also available to discuss any concerns related to sexual harassment and to provide information about Jarvis' policy on harassment and its complaint process. All formal complaints shall be forwarded to the Director of Human Resources immediately.

## **Complaint Investigation**

When Jarvis receives a formal complaint, it will promptly investigate the allegation. An investigation will determine facts that support findings about the complaint. The investigation generally will include interviews with: (1) the complainant; (2) the accused (the "respondent"); (3) witnesses (if any and if deemed necessary by Jarvis); and others as determined by the investigator.

All employees and students are expected to cooperate fully in efforts to investigate and enforce this policy. When Jarvis has completed the investigation, the findings of the investigation will be shared with the complainant, the respondent, and others involved to the extent appropriate.

The investigation shall be conducted by Jarvis' Sexual Harassment Investigation Committee, which shall be appointed by the President.

## **Confidentiality**

Jarvis recognizes that confidentiality is very important. All actions taken to investigate and resolve complaints shall be conducted with as much privacy, discretion, and confidentiality as possible without compromising the thoroughness and fairness of the investigation. All persons involved in an investigation are expected to treat the process with respect and to hold information confidentially. Information about individual complaints and their disposition will be shared only on a "need to know" basis. However, even informal efforts to end harassment may require that an accused harasser learn of the identity of the complainant. Jarvis will work closely with students or employees to ensure their ability to complete their academic program or continue to work during all stages of handling an informal or formal complaint of sexual harassment.

## **Disciplinary Action**

If it is determined that an employee or student has engaged in sexual harassment or other inappropriate conduct, Jarvis shall take appropriate actions under the circumstances. Such action may include written warnings, required counseling, probation, suspension, termination, or expulsion, and it may include such other forms of disciplinary action, as Jarvis deems appropriate. Likewise, if it is determined that a complainant invoked the investigatory process in bad faith or knowingly presented false or misleading information, appropriate disciplinary action will be taken.

Alleged crimes may be referred to the appropriate law enforcement authorities notwithstanding the status or outcome of any investigation or appeal.

### **Appeals**

The Complainant or Accused may appeal the results of any investigation or disciplinary action by filing a notice of appeal with the Director of Human Resources within fifteen (15) days of receiving the results of the investigation or disciplinary action. Within ten (10) days of receiving the appeal, the Director of Human Resources shall assemble an Appeal Review Panel to review any investigation results or disciplinary action that is timely appealed. The Appeal Review Panel shall consist of three members. If the Accused is a student, the Appeal Review Panel shall consist of the Provost, Vice President of Student Services, and a person appointed by the President. If the Accused is a faculty member, the Appeal Review Panel shall consist of the Provost, the Chair of an Academic Department other than the Accused's Chair, and a person appointed by the President. If the Accused is an employee or contractor, the Appeal Review Panel shall consist of the highest officer in the employee's chain of command under the President, a supervisor who does not supervise the Accused, and a person appointed by the President. If the Accused is a direct report to the President, the Director of Human Resources shall transform the notice of appeals into a notice of second level appeal.

The Accused and Complainant shall both be provided the opportunity to present evidence and make a statement to the Appeal Review Panel. The Accused and Complainant shall not be present while the other is presenting evidence, unless permitted by the Appeal Review Panel in limited circumstances. The Appeal Review Panel may request evidence, including testimony from witnesses, that it believes is relevant. Within thirty (30) days of the conclusion of its independent investigation, the Appeal Review Panel shall issue a report agreeing with the original decision or replacing the original decision with its own.

The Complainant or Accused may appeal the determination of the Appeal Review Panel by filing a notice of second level appeal with the Director of Human Resources within ten (10) days of receiving the decision of the Appeal Review Panel. Second level appeals, along with the initial investigation and complete file from the Appeal Review Panel, shall be forwarded to the President for final determination. The President shall issue his/her final decision within thirty (30) days of receiving the second level appeal. If the President believes further evidence is required, he/she shall provide notice of his/her tentative schedule for decision to the Complainant and Accused within the original timeframe.

### **No Retaliation for Filing or Assisting with a Complaint of Sexual Harassment**

Retaliation against any individual for making a good faith complaint of sexual harassment or for assisting in good faith in the investigation of such a complaint is illegal and will not be tolerated. All acts of retaliation are subject to disciplinary actions, up to and including termination and expulsion. Individuals who believe they have been subjected to retaliation should immediately report their concerns to the Director of Human Resources. The Director of Human Resources shall document the new formal complaint and begin a new investigation of the retaliation allegation. The investigation and appeals shall be conducted pursuant to this policy.

## **Commitment to Awareness and Response Training**

Jarvis provides regular sexual harassment awareness and response training programs for supervisors and individuals identified with responsibilities in this policy. Additionally, Jarvis informs the community about what constitutes sexual harassment, as well as its commitment to zero tolerance to sexual harassment.

## **State and Federal Agency Complaints**

In addition to the above, an individual who believes he or she has been subjected to harassment may file a formal complaint with government agencies with jurisdiction. Using the Jarvis' complaint process does not prohibit an individual from filing a complaint with any of these agencies. Claims filed with the U.S. Equal Employment Opportunity Commission ("EEOC") must be filed within 300 days from the date of the alleged violation.

U.S. Equal Employment Opportunity Commission (EEOC)  
207 S. Houston Street, 3<sup>rd</sup> Floor  
Dallas, TX 75202  
Telephone: 214.253.2720  
800.669.4000

You may also file your claim with the Texas Workforce Commission within 180 days from the date of the alleged violation.

Texas Workforce Commission  
Civil Rights Division  
101 E. 15<sup>th</sup> St., Rm 144-T  
Austin, TX 78778-0001

Complaints from students may also be filed with the U.S. Department of Education's Office of Civil Rights within 180 days from the date of the alleged violation.

U.S. Department of Education  
Office of Civil Rights  
1999 Bryan Street, Suite 1620  
Dallas, TX 75201-6810  
Telephone: 214.661.9600  
National 800.421.3481

## **Criminal Matters**

If the Complainant believes a crime has been committed, he/she is encouraged to contact local law enforcement officials to file a criminal complaint.

## **Related Matters**

This policy was updated in December 2013 and supersedes all prior Jarvis policies on sexual harassment.

## **POLICIES SECTION 4.0 – TITLE IX POLICY - HR 4.5**

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### **TITLE IX POLICY**

#### **(A) Policy Statement:**

Jarvis Christian College is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities that are free from sex discrimination, sexual harassment and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity. Title IX of the Education Amendments of 1972 (“Title IX”) is a federal law that prohibits sex discrimination.

The College has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of sex discrimination, sexual harassment or retaliation. The College values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

#### **(B) Purpose of Policy:**

The College seeks, through this policy, to acknowledge and comply with its duties under federal and state laws and set forth a comprehensive framework for receiving, processing, investigating, and resolving complaints of sex discrimination, sexual harassment and retaliation related to participation in a process covered by this policy. This policy also provides the College community with necessary information regarding how to file complaints, receive assistance and support.

#### **(C) Scope:**

The core purpose of this policy is to prohibit sex discrimination, sexual harassment and retaliation. When an alleged violation of this policy is reported, the allegations are subject to resolution under this policy as detailed below.

When the Respondent is a member of the College community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the College community. The College community includes, but is not limited to, students, student groups/organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, and invitees.

The Title IX procedures may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

#### **(D) Jurisdiction of Title IX Policy:**

This policy applies to sex discrimination, sexual harassment and retaliation as those terms are defined in 34 CFR part 106. This also applies to the educational and employment program of the College, related to conduct that takes place on the campus or on property owned or controlled by the College, at College-sponsored events, or in buildings owned or controlled by the College's recognized student groups/organizations. The Respondent must be a member of the College's community in order for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprives someone of access to the College's educational or employment program. Regardless of where the conduct occurred, the College will evaluate notices and complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity.

If the Respondent is unknown or is not a member of the College community, the Title IX Coordinator will assist the Complainant in identifying campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the College community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator or Title IX designees.

All vendors serving the College through third-party contracts are subject to the policies and procedures of their employers or to these policies and procedures to which their employer has agreed to be bound by their contracts.

**(E) Definitions:**

**Advisor:** A person chosen by a party to accompany the party to some or all meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if applicable. Advisor also includes a person appointed by the College to conduct cross-examination for the party at the hearing if the party does not bring one.

**Complainant:** An individual who is alleged to be the victim of sex discrimination, sexual harassment or retaliation.

**Confidential Resource:** An employee who is not a Mandated Reporter of notice of sexual harassment and/or retaliation (irrespective of Clery Act Campus Security Authority status).

**Consent:** Consent is not present when an individual does not have the capacity to give consent, voluntarily or involuntarily, due to age, physical condition, or disability that impairs the individual's ability to give consent. Consent must be all of the following:

- (1) **Knowing:** All individuals understand, are aware of, and agree as to the who, what, where, when, why and how of the sexual activity.

(2) Active: Consent must take the form of “clearly understandable words or actions” that reveal one’s expectations and agreement to engage in specific sexual actions.

(3) Voluntary: Consent must be freely given and cannot be the result of “respondent’s intimidation, coercion, force, threats, or fraud in order to gain permission for sexual or intimate activity”.

(4) Present and Ongoing: Consent must exist at the time of the sexual activity. Consent can be withdrawn at any time.

**Decision-maker:** One who determines the outcome of the complaint. Cannot be the Title IX Coordinator or Investigator.

**Education Program or Activity:** Locations, events, or circumstances where the College exercises substantial control over both the Respondent and the context in which the sex discrimination, sexual harassment or retaliation occurs and also includes any building owned or controlled by a student organization that is officially recognized by the College.

**Employee:** An individual holding either a faculty and/or staff appointment at the College.

**Final Determination:** A conclusion by the preponderance of evidence standard of proof that the alleged conduct did or did not violate this policy.

**Finding:** A conclusion by the preponderance of evidence standard of proof that the conduct did or did not occur as alleged (as in a “finding of fact”). Decision maker will be the one who states the outcome/finding.

**Formal Complaint:** A Formal Complaint is a document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that the College investigate the allegation of Title IX Sexual Harassment. **In order for Jarvis to proceed to an investigation, at the time of the filing a Formal Complaint, a Complainant must be participating in or attempting to participate in Jarvis’s Education Programs or Activities.** A ‘document filed by a Complainant’ means a document or electronic submission (such as an email) that contains the Complainant’s physical or electronic signature or otherwise indicates that the Complainant is the person filing out the Formal Complaint.

**Formal Grievance Process:** A method of formal resolution designated by the College to address alleged conduct that falls within this policy, and which complies with requirements of Title IX law and regulations (34 CFR §106.45).

**Investigator:** The person(s) charged by the College with gathering facts about an alleged violation of this policy, assessing relevance and credibility, synthesizing the evidence, and compiling the information into an investigation report and file of directly related evidence.

**Notice:** An employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of sexual harassment and/or retaliatory conduct.

**Parties:** The Complainant(s) and Respondent(s), collectively.

**Preponderance of the Evidence Standard:** Standard of proof for alleged violation(s) of the Title IX Policy. This standard requires that the information utilized shows that it is more likely than not that the alleged violation(s) occurred.



**Remedies:** Are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the College's educational program.

**Resolution:** The result of a Formal Grievance Process.

**Respondent:** An individual who has been reported to have engaged in conduct that could constitute sexual harassment or retaliation under this policy or its procedures.

**Retaliation:** Limited to retaliation for participation in a process covered by this policy or for participating in a process asserting Title IX through the federal government or courts.

**Sanction:** A consequence imposed by the College on a Respondent who is found to have violated this policy. For employees, the term sanction as used in this policy means discipline or corrective action.

**Sex Discrimination:** Negative or adverse treatment based on sex, sexual orientation, gender, gender expression, or gender identity.

**Sexual Harassment:** Under federal and state law, sexual harassment is an unlawful discriminatory practice.

The College has adopted the following definition of Sexual Harassment for this policy. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

(1) Quid Pro Quo:

- i. An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct.

(2) Unwelcome conduct:

- i. That a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity, or

(3) Online Postings/Actions:

- i. Any online posting or other electronic communication by students or employees including cyber-stalking (based on sex), cyber-harassment (based on sex), or occurring outside of the College's control (e.g., not on College networks or websites) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption or infringement on the rights of others.

(4) Sexual Assault (as per 34 U.S. Code § 12291):

- ii. Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.
- iii. Sexual acts include:
  - Forcible Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
  - Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age# or because of temporary or permanent mental or physical incapacity.

- Sexual Assault with an Object: The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- Forcible Fondling: The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. This would include having another person touch you sexually, forcibly, or without their consent.

(5) Dating Violence, defined as:

- i. Violence, on the basis of sex, committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- iii. Dating violence does not include acts covered under the definition of domestic violence.

(6) Domestic Violence, defined as:

- (1) Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner.

\*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

(7) Stalking, defined as:

- i. Engaging in a course of conduct, on the basis of sex, directed at a specific person, that would cause a reasonable person to:
  - fear for the person's safety, or
  - fear for safety of others; or
  - suffer substantial emotional distress.

The College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

(8) Force, Coercion, Consent, and Incapacitation, defined as:

- i. Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”). Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.
- ii. Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- iii. Consent is: knowing, voluntary, clear permission, by word or action, and to engage in sexual activity.
  - Consent requires unambiguous communication and mutual agreement concerning the act in which the participants are engaging throughout the entirety of the interaction. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.
  - Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.
  - Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease immediately. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent. Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.
  - A person cannot consent if they are unable to understand the fact, nature, or extent of the sexual situation or are disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. A person cannot give consent if force, expressed or implied is used; or if, duress; intimidation; threats; or, deception is used on the Complainant.
  - Silence or the absence of resistance does not imply consent.
- iv. Incapacitation: Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed

consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

In considering whether a Complainant is incapacitated due to the consumption of drugs or alcohol, the College will consider the circumstances, including factors such as whether there is evidence of slurred speech, vomiting, stumbling or the inability to walk, or periods of “blacking out.” The presence of one of these factors, standing alone, may not be sufficient to establish incapacitation; the totality of the circumstances must be examined.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs. The umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence as defined by 34 CFR Part 106.

**Student:** For the purpose of this policy, Jarvis Christian College defines “student” as all persons who have been notified of their acceptance, expressed intent to, and/or have registered for classes, or otherwise entered into any other contractual relationship with the College to take instruction. This includes but is not limited to all individuals taking classes in person or through distance learning, or who reside in College-owned housing or who live off-campus, who are not enrolled for the current term, but have a continuing relationship with the College. A student status ceases, when they graduate, are not enrolled for two consecutive semesters, or is the student is suspended, dismissed, or expelled for any reason.

**Supportive Measures:** Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the College’s Education Programs or Activities without unreasonable burdening the other party, including measures designed to protect the safety of all parties or the College’s educational environment, or deter Title IX Sexual Harassment.

**Title IX Coordinator:** Is the official designated by the College to ensure compliance with Title IX and the College’s Title IX program. References to the Coordinator throughout this policy may also encompass a designee(s) of the Coordinator for specific tasks. The Title IX Coordinator has the primary responsibility for coordinating the College’s efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sex discrimination, sexual harassment, and retaliation prohibited under this policy. Acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy.

- (1) The members of the Title IX Team are trained to avoid bias for or against any gender, gender identity, gender expression, or sexual orientation, or other protected characteristic, any party in a specific case, or for or against Complainants and/or Respondents, generally. To raise any concern involving bias or conflict of interest by the Title IX Coordinator,

contact the College's Chief of Staff. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

**(F) Reporting:**

The College encourages reporting of Title IX Sexual Harassment. Members of the College community who believe they have experienced Title IX Sexual Harassment have the right to choose whether or not to report the incident to the College, law enforcement or both, and have the right to choose whether to engage with the college once the college receives the report. The information below is for individuals who wish to report incidents of Title IX Sexual Harassment. Reporting Title IX Sexual Harassment in the manners set forth below is not equivalent to filing a "Formal Complaint of Title IX Sexual Harassment" as defined above. **Information on how to file a Formal Complaint can be found in the Complaint Resolution Process described in Section III below.**

- (1) Reporting Options: Information regarding reporting options and procedures for incidents of sexual misconduct that are not covered by this policy can be found in the Administrative Handbook.
  - i. Any individual may report Title IX Sexual Harassment to the Title IX Coordinator. Reports may be made in person, by email, by regular mail, or any other means that results in the Title IX Coordinator receiving the person's verbal or written report. In-person reports must be made during normal business hours, all other reporting processes can be made any time.
  - ii. Individuals impacted by Title IX Sexual Harassment may contact the Title IX Coordinator to receive support, resources, and information even if they do not wish to move forward with the Formal Complaint Resolution described in Section III below. To speak to someone confidentially without making a report, please see the confidential resources listed in Section II(A) below.
  - iii. While anonymous reports will be reviewed by the Title IX Coordinator, the College's ability to address Title IX Sexual Harassment reported by anonymous sources is significantly limited.
  - iv. Reporting to Law Enforcement: An individual who has experienced Sexual Assault, Dating Violence, Domestic Violence, and Stalking has the right to choose whether to file a police report. Jarvis encourages individuals to report such incidents to College Security or local law enforcement. Filing a police report can result in an investigation whether sexual violence or related crime occurred and the prosecution of the perpetrator. Timely reporting to the police is an important factor in successful investigation and prosecution of crimes, including sexual violence.
  - v. There is no time limit for reporting an incident of Title IX Sexual Harassment. However, in order for Jarvis to proceed with an investigation, at the time of the filing of a Formal Complaint, a Complainant must be participating in or attempting to participate in Jarvis's Education Programs or Activities. The College encourages reports to be made as soon as possible after the incident.

- vi. Any complaint received on or after August 14, 2020 will be reviewed and handled in accordance with this policy and the procedures implemented August 14, 2020. With respect to sexual harassment that allegedly occurred prior to August 14, 2020, The College will apply the Title IX statute and the Title IX regulations in place at the time that the alleged sexual harassment occurred.
- (2) Reporting Obligations: Upon receipt of a report, the Title IX Coordinator will contact the person who may have experienced Title IX Sexual Harassment. The outreach will generally include information about: medical and confidential counseling and support resources; options for filing informal/formal; contacting law enforcement; how to request a protective order; how to request Supportive Measures from the College; how to preserve evidence; and where to access more information. The outreach will also include an invitation to meet or provide additional information to the Title IX Coordinator.
  - (3) Promptness: All allegations are acted upon promptly by the College once it has received notice or a formal complaint. Formal complaints will be handled in a timely manner. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will seek to avoid undue delays.
  - (4) Interim Removal: At any time after receiving a report of Title IX Sexual Harassment, the Title IX Coordinator with coordination with the Vice President of Academic Affairs, may remove a student Respondent from the College's Education Programs and Activities on an emergency basis if an individualized safety and risk analysis determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX Sexual Harassment justifies removal. In the event an interim removal is approved, the Respondent will be notified and will have an opportunity to challenge the removal decision immediately following the removal.
    - i. Any emergency removal will involve consultation with the College Counselor and the Division of Student Affairs. In the case of a Respondent who is a non-student employee, and in the College's discretion, the College may place the Respondents on administrative leave at any time after receiving a report of the Title IX Sexual Harassment, including during the pendency of the investigation and hearing process. The decision to place a non-student employee on administrative leave will be made by the President.
    - ii. For all other Respondents, including contractors and guests, the College retains broad discretion to prohibit such person from entering onto its campus and other properties at any time, and for any reason, whether after receiving a report of Title IX Sexual Harassment or otherwise.
  - (5) Retaliation: Neither Jarvis nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX and its implementing regulations or this policy, or because the individual has, in good faith, made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violating that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Title IX Sexual Harassment for the purpose of interfering with any right or privilege secured by Title IX of this policy, constitutes Title IX Retaliation under this Policy.

Complaints of Title IX Retaliation may be made by contacting the Title IX Coordinator. Individuals who are found to have engaged in Title IX Retaliation as defined by this policy are subject to disciplinary action that may include, but is not limited to, sanctions imposed by the College.

- (6) **Amnesty for Title IX Sexual Harassment Complainants and Witnesses:** Jarvis encourages reporting of Title IX Sexual Harassment and seeks to remove any barriers to making a report. The College recognizes that an individual who has been consuming alcohol (including underage consumption) or using drugs at the time of an incident may be hesitant to make a report because of potential consequences for that conduct. To encourage reporting, an individual who makes a good faith report of the Title IX Sexual Harassment that was directed at them or another person, or participates in an investigation, unless the College determines that the violation was serious and/or placed the health or safety of others at risk. Amnesty does not preclude or prevent action by police or other legal authorities. This amnesty provision may also apply to student groups making a report of Title IX Sexual Harassment.
- (7) **Free Expression and Academic Freedom:** Jarvis is firmly committed to free expression and academic freedom. The College is equally committed to creating and maintaining a safe, healthy, and harassment-free environment for all members of its community, and firmly believes that these two legitimate interests can coexist.

Discrimination, harassment, and retaliation against members of the College community are not protected expression or the proper exercise of academic freedom. The College will consider academic freedom in the investigation of reports of Title IX Sexual Harassment or retaliation that involve an individual's statement or speech.

- (8) **Title IX and Violence Against Women Act (VOWA) Statement:** It is the policy of Jarvis to comply with Title IX of the Education Amendments of 1972 and its implementing regulations (and all other applicable laws regarding unlawful discrimination and harassment including, but not limited to, Title VII of the Civil Rights Act of 1964, which prohibits discrimination (including sexual harassment and sexual violence) based on sex in the College's educational programs and activities. It is also Jarvis's policy to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, as amended by the VOWA. Title IX prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. VAWA imposes additional duties on universities and colleges to investigate and respond to reports of sexual assault, stalking, and dating or domestic violence, and to publish policies and procedures related to the way these reports are handled.

**(G) Potential Consequences Following a Finding of a Policy Violation:**

(1) Sanctions: When a final determination is made that an individual has violated this policy, as determined by the Complaint Resolution Process in Section III, the appropriate sanctions are determined based on several factors, including the severity of the conduct and any other prior violations. Sanction and corrective action can include, but are not limited to:

- i. Verbal warning
- ii. Written warning
- iii. Advisory letter
- iv. Conduct review
- v. Disciplinary hold on academic and/or financial records
- vi. Performance Improvement/management process
- vii. Required counseling/coaching
- viii. Required training or education
- ix. Campus access restrictions
- x. No trespass order issued
- xi. No-contact directive
- xii. Loss of privileges
- xiii. Loss of title/honors
- xiv. Loss of oversight, teaching, or supervisory responsibility
- xv. Probation
- xvi. Demotion
- xvii. Loss of pay increase
- xviii. Decrease in pay
- xix. Transfer
- xx. Revocation of offer
- xxi. Disciplinary suspension
- xxii. Suspension without pay
- xxiii. Suspension with pay
- xxiv. Expulsion
- xxv. Termination of employment
- xxvi. Revocation of tenure

The College may assign other sanctions as appropriate in each particular situation. Sanctions and corrective actions will be imposed in accordance with relevant policies and/or procedures and other requirements as set for in the applicable faculty, staff or student handbook.

## **II. Resources**

### **(A) Confidential Support, Advocacy, and Counseling Resources:**

- (1) Confidential Resources are not obligated to disclose reports of Title IX Sexual Harassment to the Title IX Coordinator under any circumstances, or law enforcement (except in situations if not disclosing would result in imminent danger to the individual or to others).
- (2) Confidential Resources can provide information and College and off campus resources, support services and other options. Disclosing information or seeking advice from a



Confidential Resource does not constitute making a report or complaint to the college and will not result in a response intervention by the college.

- (3) The following is a listing of resources available:
- i. Campus Counselor, (903) 730-4890 X2259
  - ii. East Texas Crisis Center, (800) 333-0358
  - iii. Wood County Sheriff (903) 763-1236
  - iv. Texas Suicide Hotline (214) 828-1000

**(B) Seeking Confidential Medical Assistance:**

Experiencing any form of Title IX Sexual Harassment can be difficult and overwhelming. Individuals often experience a range of emotions, including fear, anxiety, and confusion, and may be unsure of what they want to, or should, do next. Regardless of whether individual chooses to report the incident to the College and/or to law enforcement, the College strongly encourages individuals who believe they are victims of Sexual Assault, Dating Violence, or Domestic Violence to seek medical attention as soon as possible, even if they feel no injury was sustained. Medical assistance providers can treat visible physical injuries and identify injuries that may not be visible, and where appropriate, also address concerns regarding sexually transmitted infections and pregnancy. In addition, a hospital can test for the presence of alcohol or drugs (e.g., date rape drug) and perform a rape evidence collection procedure.

As noted above, the Medical Resources are also confidential Resources and are not obligated to disclose reports of Title IX Sexual Harassment to the Title IX Coordinator or law enforcement.

**(C) Preserving Physical Evidence:**

Many Title IX Sexual Harassment offenses also are crimes in the state or locality in which the incident occurred. For that reason, individuals who believe they are victims of Sexual Assault, Dating Violence, Domestic Violence, or Stalking often have legal options that they can pursue. For example, an individual may seek a protective order from a court against the perpetrator(s); pursue a civil action against the perpetrator(s) and/or participate in a law enforcement investigation and criminal prosecution of the perpetrator(s). Regardless of whether an incident of Sexual Assault, Dating Violence, Domestic Violence, or Stalking is reported to the police or the College, Jarvis strongly encourages individuals who have experienced such conduct to preserve evidence that may be considered in a College investigation or proceeding, providing they are available at the time of the investigation or proceeding.

**III. Title IX Sexual Harassment Complaint Resolution Process**

**(A) Introduction:**

The procedure below outlines the process the College follows when it receives a report alleging a violation of the Title IX Sexual Harassment Policy committed by a member of the College community. For the purposes of this Policy, “by a member of the Jarvis community” means current students, current faculty, current staff member, and current third-party affiliates who have a formal relationship with the College. Misconduct occurring outside of the jurisdiction of this policy may be addressed by other College policies.

The Title IX Coordinator is responsible for handling reports alleging violations to this policy. All reports will be handles in a prompt, fair, and impartial manner in accordance with Title IX, the Violence Against Women Act, and other relevant laws and regulations applicable College policies, and this process.

**(B) Response to Report:**

- (1) The Title IX Coordinator will contact the person who may have been impacted by the concern. The outreach will generally include information about: medical and confidential counseling and support resources; options for filing a Formal Complaint and/or reporting the incident to law enforcement; how to request a protective order/no-contact directive; how to request Supportive Measures from the College without filing a Formal Complaint; how to preserve evidence; and where to access more information. The outreach will include an invitation to meet with the Complainant and/or provide additional information.

**(C) Supportive Measures:**

- (1) Refers to measures provided to a Complainant where a determination of responsibility for Title IX Sexual Harassment has been made against the Respondent. After a final decision is made that an individual has violated this policy as determined by the Complaint Resolution Process in Section III, the College may offer additional measures, and/or take other action, to eliminate any hostile environment caused by the Title IX Sexual Harassment, prevent the reoccurrence of any Title IX Sexual Harassment, and remedy the effects of the Title IX Sexual Harassment on the Complainant and the College Community
- (2) Remedies will be provided to persons who have experienced Title IX Sexual Harassment as reasonably necessary to restore or preserve access to the College's Education Programs or Activities.
- (3) Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modification of work or class schedules, campus escorts services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, other changes to academic, living, dining, transportation, and working situations, honoring an order of protection or no contact order entered by a State civil or criminal court, and other similar measures.
- (4) The College will maintain the confidentiality of Supportive Measures provided to either party, to the extent that maintaining such confidentiality does not impair the College's ability to provide the Supportive Measures in question.

**(D) Formal Complaint:**

- (1) A Complainant may file a Formal Complaint with the Title IX Coordinator requesting that the College investigate and adjudicate a report of Title IX Sexual Harassment in accordance with the provisions of this section. At the time the Complainant submits a

Formal Complaint, the Complainant must be participating in or attempting to participate in, one or more of the College's Education Programs or Activities.

- (2) A Complainant may file a Formal Complaint with the Title IX Coordinator, as per guidance stated in Section I (G) of this policy. No person may submit a Formal Complaint on the Complainant's behalf.
- (3) The Title IX Coordinator may sign the Formal Complaint under the following circumstances:
  - i. When there is an important institutional interest in adjudicating a report irrespective of the alleged victim's wishes.
  - ii. Typically involves serious misconduct, repeated misconduct, or misconduct by employees
  - iii. If the alleged victim does not wish to file a formal complaint, Title IX Coordinator's decision to do so must not be clearly unreasonable.
  - iv. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party for purposes of the investigation and adjudication processes. In such cases, the College will not compel an individual to participate, but will proceed with the available information.

**(E) Dismissal of Complaint or Investigation:**

The College must dismiss a formal complaint when:

- (1) If filed by the alleged victim, and the alleged victim is not a current or attempted participant in education programs and activities.
- (2) Complaint does not allege sexual harassment in the institution's education programs or activities.
- (3) Complaint alleges sexual harassment abroad.
- (4) Conduct alleged would not amount to sexual harassment event if it occurred as reported.
- (5) The College may dismiss a formal complaint when:
- (6) Alleged victim indicates in writing a desire to withdraw the complaint (or particular allegations).
- (7) Respondent is no longer enrolled in or employed by the institution.
- (8) Specific circumstances prevent the institution from gathering evidence sufficient to reach a determination.
- (9) In the event the Title IX Coordinator determines that a Formal Complaint should be dismissed

- i. pursuant to this section, the Title IX Coordinator will provide written notice of dismissal, including the reasons for the dismissal, to the parties and advise them of their right to appeal as specified in Section III. A dismissal pursuant to this Section is presumptively a final determination as it pertains to this policy, unless otherwise specified in writing by the Title IX Coordinator in the written notice of dismissal.

**(F) Investigation:**

- (1) The President assigns an investigator(s) to begin the inquiry into the allegation. Depending upon the circumstances, the President may assign one or more investigators. All investigators are trained on Title IX and the College's policies and procedures. Any alleged violations of this policy will be investigated and resolved pursuant to the process articulated by this policy.
  - i. During the investigation, the investigator(s) will identify, elicit, and gather evidence related to the alleged misconduct, including inculpatory and exculpatory evidence. The burden of gathering evidence sufficient to reach a determination in the adjudication of whether or not a policy determination has occurred lies with the College and not with the parties. However, it is important for all individuals involved in an investigation to identify relevant evidence it would like the college to consider.
  - ii. During the investigation, the Complainant will have the opportunity to describe their allegations and present supporting evidence to the investigator(s). The Respondent will have the opportunity to hear the allegations, respond to them, and present supporting evidence to the investigator(s).
  - iii. Investigations are not video recorded or voice recorded. Parties and witnesses may take notes during the investigation meetings. The Complainant and the Respondent will have an equal opportunity to present names of potential witnesses and to propose questions the investigator(s) may ask the other party or witness. Complainant and Respondent may identify potential factual and/or expert witnesses but may not present character witness. The investigator(s) will take the witness lists provided by the parties into consideration when identifying the witnesses that they will interview and what questions they might ask each witness, but these decisions are solely within the within the investigator's discretion.
  - iv. Generally, the investigator(s) will meet with each party and each witness separately and may hold multiple meetings with a party to obtain all necessary information. The parties may submit additional materials or information to the investigator(s) at any time before the conclusion of the investigation. In all cases, both the Complainant and Respondent will have equal opportunities to share information and have their information considered. The Complainant, Respondent, and witnesses should be advised that for their statements to be considered, they must participate in the live hearing. All parties, witnesses whose participation is expected at any interview or other meetings, will receive notice of time, date, and location, and purpose with sufficient time for the party to prepare to participate.

- v. It is the policy of the College to strive and resolve all cases in a prompt and timely manner. The timeline and length of each investigation is based on the circumstances surrounding the case, breaks in the academic calendar, availability of the parties and witnesses, scope of the investigation, needs for supportive measures, and unforeseen circumstances. The College will strive to complete the investigation portion of the resolution process within ninety (90) calendar days of receiving complaint.
- vi. At the conclusion of the evidence gathering phase of the investigation, but prior to completion of the investigative report, the investigator(s) will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint. The investigator(s) will send this evidence, in either electronic or hard copy form, to each party and each party's advisor. The parties may each submit to the investigator(s) a written response including comments, feedback, or any other information they deem relevant, comprising up to twenty (20) pages, within ten (10) calendar days after the evidence is made available for their review. The Investigator(s) will consider the written responses prior to completing the investigation report.
- vii. The parties and their advisors are permitted to review the evidence solely for the purposes of this grievance process and may not photograph or disseminate the evidence.
- viii. Investigative Report: After the period for the parties to provide their responses has expired, the investigator(s) will create a written investigative report that fairly summarizes the relevant evidence collected (both inculpatory and exculpatory). The investigator(s) will only summarize the relevant evidence collected during the investigation, the factual finding and determinations of policy violations are made by a decision maker at a subsequent hearing. The investigator(s) do not make the recommendation nor decisions. They are solely to gather the facts. The Title IX Coordinator will provide a copy of the investigative report to each party and each party's advisor.

## **(G) Hearings**

- (1) Purpose: The purpose of the hearing is for the College's decision maker to resolve any outstanding or contested facts, assess the credibility of parties and witnesses, and using a preponderance of the evidence standard, determine whether it is more likely than not that a policy violation or violations occurred. Hearings must be audio or video recorded. Hearing may be held using virtual aids.
- (2) Appointment of Decision Maker: Upon completion of the investigation, the Title IX Coordinator, in communication with the President, will appoint a trained decision maker. The decision maker cannot be the Title IX Coordinator or the investigator(s) who conducted the investigation. The decision maker will oversee the hearing process and render a determination of responsibility for the allegation in the Formal Complaint, as

the conclusion of the hearing process. The decision maker will receive a copy of the report prior to hearing.

(3) Hearing Notice: After the decision maker is appointed, the Title IX Coordinator will notify the parties of the decision maker's appointment; setting a deadline for the parties to submit any written response to the investigative report; setting a date for the pre-hearing conference; and setting a date and time for the hearing. Neither the pre-hearing conference, nor the hearing itself, may be held any earlier than ten (10) calendar days from the date of notifying all parties.

(4) If a party wishes to write a written response to the investigative report must include:

- i. To the extent the party disagrees with the investigative report, any argument or commentary regarding such disagreement;
- ii. Any argument that evidence should be categorically excluded from consideration at the hearing based on privilege, relevancy, the prohibition on the use of sexual history specified in Section III, or for any other reasons;
- iii. A list of any witnesses that the party contends should be requested to attend the hearing pursuant to an attendance notice issued by the hearing officer;
- iv. A list of any witnesses that the party intends to bring to the hearing without an attendance notice issued by the hearing officer;
- v. Any objection that the party has to the College's Hearing Procedures;
- vi. Any request that the parties be separated physically during the pre-hearing conference and/or hearing;
- vii. Any other accommodations that the party seeks with respect to the pre-hearing conference and/or hearing;
- viii. The name and contact information of the advisor who will accompany the party at the pre-hearing conference and hearing;
- ix. If the party does not have an advisor who will accompany the party at the hearing, a request that the College provide an advisor for purposes of conducting questioning as specified in Section III.

(5) A party's written response to the investigation report may also include:

- i. Argument regarding whether any of the allegations in the Formal Complaint are supported by a preponderance of evidence; and
- ii. Argument regarding whether any of the allegations in the Formal Complaint constitute Title IX Sexual Harassment.

- (6) Pre-Hearing Conference: Prior to the hearing, the decision maker will conduct a pre-hearing conference with the parties and their advisors. The pre-hearing conference will be conducted live and will be conducted with the decision maker, the parties, the advisors, and other necessary College personnel together in the same physical location. However, upon request of either party, the party will be separated into different rooms with technology enabling the parties to participate simultaneously and contemporaneously by video and audio.

During the pre-hearing conference, the decision maker will discuss the hearing procedures with the parties; address matters raised in the parties' written responses to the investigation report, as the hearing officer deems appropriate; discuss whether any stipulations may be made to expedite the hearing; discuss the witnesses the parties have requested be served with notices of attendance; and resolve any other matters that the decision maker determines, in the decision maker's discretion, should be resolved before the hearing.

- (7) Issuance of Notices of Attendance: After the pre-hearing conference, the decision maker will transmit notices of attendance to any College employee or student whose attendance is requested at the hearing as a witness, at least ten (10) calendar days prior to the hearing. The notice will advise the subject of the specified date and time of the hearing and advise the subject to contact the decision maker immediately if there is a material and unavoidable conflict.

All managers, faculty, coaches, and supervisors are required to excuse the subject of the obligation, or provide some other accommodation, so that the subject may attend the hearing as specified.

- (8) Participation: Parties and witnesses will be asked to attend the hearing where they may be questioned by the decision maker and cross-examined by a party's advisor. If a party or witness does not submit to cross-examination at the live hearing, the decision maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination.

The decision maker will facilitate the hearing process. The hearing will be conducted live. The hearing will proceed as follows:

- (1) The decision maker will begin by asking questions of each witness.
- (2) After the decision maker's questioning of a witness, the advisors may then cross-examine the witness asking all relevant questions and follow-up questions, including those challenging credibility. The advisors will have the opportunity to conduct this questioning directly, orally, and in real time.
- (3) The decision maker will then ask questions of the Complainant.

- (4) The Respondent's advisor may then cross-exam the Complainant, asking all relevant questions and follow-up questions, including those challenging credibility.
- (5) The decision maker will then ask questions of the Respondent.
- (6) The Complainant's advisor may then cross-exam the Respondent, asking all relevant questions and follow-up questions, including those challenging credibility.

If a party does not have an advisor present at the hearing, the College will provide an advisor of the College's choice to ask questions prepared by the party on the party's behalf. The parties will not be Permitted to question the other party directly.

The hearing will be closed to all persons, except the parties, advisors, the investigator(s), decision maker, and the Title IX Coordinator. Witnesses will be only present during their testimony.

If the party, advisor, and witness violate the rules of the hearing in such a way to be disruptive, may be barred from further participation.

The decision maker will have the sole discretion to determine the manner and particulars of any given hearing, including with respect to the length of the hearing, order of the hearing, and questions of admissibility.

- (7) Relevancy of Questions: Only relevant cross-examination and other questions may be asked of a party or witness. The decision maker will determine the relevancy of all questions asked during the hearing. If the decision maker excludes the question, they must state why it was excluded. Parties and advisors may not challenge these determinations during the hearing. Questions that are duplicative or repetitive of those already asked may be deemed non relevant and thus excluded.
- (8) Deliberation and Determination Regarding Responsibility: After the hearing is complete, the decision maker will objectively evaluate all relevant evidence collected during the investigation, including inculpatory and exculpatory evidence, together with testimony and non-testimony evidence received at the hearing, and ensure that any credibility determinations made are not based on a person's status as a Complainant, Respondent, or witness. The decision maker will resolve disputed facts using a preponderance of the evidence standard and reach a determination regarding the facts that are supported by a preponderance of the evidence constitute one or more violations of the policy as alleged in the Formal Complaint.
- (9) Sanctions and Remedies: In the event the decision maker determines the Respondent is responsible for violating this policy, the decision maker will, prior to issuing a written decision, consult with the appropriate College personnel with disciplinary authority over the Respondent and such personnel will determine sanctions to be imposed. The decision maker will also, prior to issuing a written decision, consult with the Title IX Coordinator who will determine whether and to what extent ongoing Supportive Measures or other remedies will be provided to the Complainant. All consultation should occur within seven (7) calendar days of the hearing.



- (10) Written Decision: After reaching a determination and consulting with the appropriate College personnel and the Title IX Coordinator, the decision maker will issue a written determination regarding responsibility applying the preponderance of the evidence standard within seven (7) calendar days of a decision. The written determination will be provided to the parties simultaneously and will include:
- i. identification of the allegations potentially constituting the Title IX Sexual Harassment and, if applicable, other College Policy Violations;
  - ii. a description of the procedural steps taken from the receipts of the Formal Complaint through the determination, including, including any notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
  - iii. findings of fact support the determination;
  - iv. conclusions regarding the application of Jarvis's policy to the facts; a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility for each separate potential incident;
  - v. any disciplinary sanctions imposed on the Respondent;
  - vi. whether remedies designed to restore or preserve equal access to the recipient's Education Program or Activity will be provided to the Complainant; and
  - vii. the procedures and permissible bases for the Complainant and Respondent to appeal.

The determination regarding responsibility becomes final either on the date that the appeal reviewer provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which the appeal would no longer be considered timely. The Title IX Coordinator is responsible for effective implementation of any remedies.

#### **(H) Appeals:**

- (1) Either party may appeal the dismissal of a Formal Complaint or any allegations therein or the determination regarding responsibility. The only basis for appeal are as follows:
- i. procedural irregularity that affected the outcome of the matter;
  - ii. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
  - iii. the Title IX Coordinator, investigator(s), or decision-maker(s) has a conflict of interest or bias for or against Complainant or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter;  
or

iv. the Procedures and permissible bases for the Complainant and Respondent to appeal.

(2) A party must file an appeal within ten (10) calendar days of the date of dismissal or hearing determination is issued. The appeal must be submitted in writing to Director of Human Resources, who in turn will provide it to the appeal reviewer.

The appeal is not a rehearing of the case; it is a written statement specifically stating the grounds for the appeal and any supporting information. If either party submits an appeal, the other party will be notified in writing that the appeal has been filed, provided a copy of the appeal, and given ten (10) calendar days to submit a written response. A written response is limited to fifteen (15) pages. Neither the Respondent nor the Complainant will be allowed to request an in-person meeting with the appeal reviewer.

In the event sanctions were imposed, the sanctions will be stayed pending results of an appeal. In the event the appeal includes the appeal of a sanction, the appeal reviewer will, prior to issuing a written decision, consult with the appropriate College personnel with disciplinary authority over the Respondent and such officials will evaluate any sanctions to be imposed.

The written decision of an appeal will be issued simultaneously to the parties expeditiously as possible, usually within seven (7) calendar days of making a decision. The reviewer may review the full case, and if the reviewer does not find that any of the three grounds for appeal are present, the outcome will be upheld. If the reviewer finds that any of the grounds for appeal are present, they may amend the outcome, may issue a new outcome, or may refer the matter back to the decision maker for further consideration. No further review beyond the appeal is permitted.

**(I) Advisor of Choice:**

From the point a Formal Complaint is made, and until an investigation, adjudication, and appeal are complete, the Complainant and Respondent will have the right to be accompanied by an advisor of their choice to all meetings, interviews, etc. In the event one is not able to secure an advisor, one will be appointed as the College's discretion. The advisor will play a passive role, except when questioning witnesses during the hearing.

**(J) Privacy, Treatment Records and other Privileged Information:**

The College considers reports and investigations to be private matters for all parties involved. All participants in the investigation will be informed that their privacy will be protected, to include any documentation, evidence and reports, to the extent possible. However, the Complainant and Respondent and their advisors will be given access to the investigation materials.

Note that certain types of Title IX Sexual Harassment are considered crimes for which the College must disclose crime statistics in its Annual Security Report that is provided to the

Campus Community and available to the public. These disclosures will be made without including personally identifying information.

The investigator may only collect and rely on privileged records if a party waives the privilege. The college is prohibited from accessing its own counseling and health files for investigation purposes.

Evidence of a Complainant's prior sexual behavior is relevant only if offered to prove that someone other than the Respondent committed the conduct, or if evidence of specific incidents of the Complainant's prior sexual behavior with the Respondent are offered to prove consent.

At a minimum, all parties must be given access to all inculpatory and exculpatory evidence directly related to the allegations at least ten (10) days before the investigative report is finalized.

**(K) Standard of Evidence:**

The College uses the preponderance of the evidence standard. This means that the hearing process determines whether it is more likely than not that a violation of the policy occurred.

**POLICIES SECTION 4.0 – WORKPLACE VIOLENCE POLICY - HR 4.6**

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**Workplace Violence**

Jarvis Christian College has a zero tolerance policy for violence in the workplace.

Workplace violence is defined to include, but is not limited to, the following:

1. Physically aggressive, violent or threatening behavior, such as attempts to instill fear in others or intimidation;
  2. Verbal or physical threats of any sort;
  3. Any other conduct that suggests a tendency toward violent behavior. Such behavior includes, but is not limited to, excessive arguing, profanity, threats of sabotage of Jarvis Christian College property, belligerent speech or a demonstrated pattern of insubordination and refusal to follow Jarvis Christian College's policies and procedures;
- 
1. Causing physical damage to Jarvis Christian College's facilities or defacing College property or the property of others; or
  2. With the exception of Jarvis Christian College security personnel, carrying firearms or weapons of any type or kind onto Jarvis Christian College premises, in Jarvis Christian College parking lots, or while conducting Jarvis Christian College business.

If any Jarvis Christian College employee becomes aware of or observes any of the above referenced behavior or actions by a co-worker, consultant, customer, third party vendor, visitor, or

any other party, he/she should notify his/her supervisor, any member of the administration, and/or the Human Resources Director immediately.

Employees should notify the Human Resources Director if they are aware of any restraining orders that are in effect, or of the existence of any other non-work-related situation with the potential to erupt into workplace violence.

All reports of violence at Jarvis Christian College will be taken seriously and will be investigated thoroughly and promptly. To the extent possible, The Human Resources Director will keep the identity of the reporting employee confidential. However, under certain circumstances, the Human Resources Director may need to disclose the reporting employee's identity (for example, to protect that individual's safety). Jarvis Christian College will not tolerate retaliation in any form against an employee who makes a report of workplace violence.

If, after a thorough investigation, the Human Resources Director determines that workplace violence has occurred, he/she will report the findings to the President and appropriate corrective action will be taken and discipline will be imposed on the offending employee(s). The level of appropriate discipline will depend on the facts in each case, and may include oral or written warnings, reassignment of responsibilities, probation, suspension, or termination. If a nonemployee is responsible for the violent activities, Jarvis Christian College will take corrective action to ensure that such behavior is not repeated.

## **POLICIES SECTION 4.0 - ALCOHOL/SUBSTANCE ABUSE POLICY - HR 4.7**

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### **Alcohol/Substance Abuse**

Jarvis Christian College is committed to maintaining a **drug free workplace**; therefore, the following policy relative to alcohol, drug and substance abuse has been adopted in keeping with the **Drug-Free Workplace Act**:

The College neither by attitude nor deed condones substance abuse in any form. Therefore, the unlawful manufacture, distribution, dispensing, possession, sale, or use of a controlled substance and the abuse of other substances (including but not limited to alcohol) will be subject to suspension or termination from the College.

### **Drug-Free Workplace Policy**

#### **I. Purpose**

Jarvis Christian College is committed to providing and maintaining a drug-free workplace. Therefore, in its attempt to minimize and ultimately eliminate substance abuse, the College has implemented a comprehensive program designed to educate and keep students and employees informed of the dangers, alternative treatment programs, and the penalties associated with the abuse of drugs and alcohol.

As a church related institution, the College has as one of its fundamental purposes the training of intellectually and morally responsible students. In this vein, it will strive to create an environment that is not only safe and secure, but an environment, which encourages and supports students and employees. To this end, the College has adopted the following policy relative to alcohol, drug and substance abuse in keeping with the Drug-Free Workplace Act.

## **II. Policy Statement**

The College neither by attitude nor deed condones substance abuse in any form. Therefore, the unlawful manufacture, distribution, dispensing, possession, sale, or use of a controlled substance and the abuse of other substances (including, but not limited to alcohol) by any employee or student may be considered reason for suspension or termination from the College.

### **Policy Implementation**

In addition to the institution's disciplinary sanctions for drug and alcohol abuse information regarding local, state or federal penalties will be made available to students and employees by the following means:

- College newspapers
- Campus mail
- Jarvis Christian College Student Handbooks
- Campus drug awareness program
- Brochures
- Bulletin-board displays
- Faculty/Staff Workshops

### **Health Risks Associated with Drug Abuse**

Jarvis Christian College is committed to maintain a drug-free workplace. The College will reinforce this commitment by keeping students and employees informed of the health risks associated with the use of illicit drugs and abuse of alcohol. Students and employees will be educated about the risks by:

1. Seminars and/or workshops
2. Brochures, pamphlets, campus newsletters and news articles provided via campus mail, campus programs and bulletin-boards
3. Drug awareness programs

## **III. Counseling, Treatment, and Rehabilitation**

In its attempt to minimize and eventually eliminate drug and substance abuse, Jarvis Christian College has adopted the following plan of action for students and employees.

If an employee is discovered or suspected of abusing drugs and or/or alcohol, it must be reported to the immediate supervisor. It is the responsibility of the supervisors to report the matter to the senior administrative officer who will interview the employee. If necessary, the employee is then referred to the Human Resources Office for referral to an outside agency, as appropriate. All parties involved with this process will be committed to confidentiality.

Employees who are referred to, and enroll in, a rehabilitation program must authorize the agency to keep the institution informed of his/her progress. All individuals who operate heavy machinery or drive company vehicles are subject to random drug/alcohol testing for the safety of the campus body at the College's expense.

#### **IV. Disciplinary Sanctions**

The College will impose disciplinary sanctions on students and employees consistent with College policies and local, state and federal laws for unlawfully possessing, using or distributing illicit drugs, drug paraphernalia, and for alcohol abuse on College property or at off campus College sponsored activities. The provisions in the *Administrative Handbook*, as well as the *Student Handbook* refer to disciplinary sanctions are incorporated herein and made a part thereof.

**V. Consistency of Program** The College will make "good faith" effort to ensure that disciplinary sanctions are consistently enforced.

#### **VI. Certification**

Each student and employee of the College will be furnished a copy of the Jarvis Christian College Drug-Free Workplace: Alcohol/Substance Abuse Policy on an annual basis. Employees and students will acknowledge receipt of the document by signing a certification receipt.

### **PROCEDURES SECTION 4.0 - INCLEMENT WEATHER POLICY- HR 4.8**

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#### **Inclement Weather**

Employees will be paid for time lost due to inclement weather under the following condition:

*When inclement weather creates a condition under which there might be a question as to whether the College will be closed or a change in the workday schedule, the President or a designated administrative official will release to the campus and local news media a statement concerning the College schedule. In the absence of such announcements, employees will report to work on time. If an employee makes the personal decision not to report to work, it will be considered an approved absence without pay.*

### **PROCEDURES SECTION 4.0 - DISASTER PLAN - HR 4.9**

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#### **Disaster Plan**

Jarvis Christian College has a catastrophe (disaster) plan for your safety. This plan includes directives on what to do, how to do it and who will be in charge in case of a catastrophe. Major

catastrophes have been identified as chemical spills, fire, inclement weather conditions and threatening calls.

The catastrophe plan was developed in cooperation with local and state emergency officials. Security and safety personnel will serve as our campus liaisons with government and meteorological personnel. During times of need, the College will work cooperatively with government officials.

Detailed copies of the plan are housed in the following areas and are available for your review:

Institutional Research Conference Room

The Olin Library

Security Office

Human Resources Office

A campus-wide warning procedure is in place to alert persons of impending danger. These procedures are designed to inform individuals of the appropriate action to take in time of need.

#### **PROCEDURES SECTION 4.0 - COMMERCIAL PROMOTIONS - HR 4.10**

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Commercial enterprises sometime solicit advertising from off-campus firms for publications or products with the promise that the item will be distributed on campus to students and/or faculty and staff. Jarvis Christian College does not permit such distribution except where approval has been given by the Office of Institutional Advancement and Development and/or the Office of Fiscal Affairs.

#### **PROCEDURES SECTION 4.0 - REQUESTS FOR EXTERNAL FUNDS - HR 4.11**

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##### **Requests for External Funds**

All appeals, applications for or solicitation of funds, whether from public or private sources, are to be coordinated with the Office Institutional Advancement and Development.

Requests for external funds should be routed via a form (Request for External Funds) through the appropriate senior administrator. Forms are available in the Office of Development. Request for approval to submit an application for programmatic funding from any public or private source should be prepared by the applicant, and pre-screened by the Executive Council to insure:

- \* Consistency with College policy
- \* Feasibility and capability
- \* Adequate costing

- \* Availability of required matching funds, in-kind contributions and released time, which the College can provide.

## **PROCEDURES SECTION 4.0 - SALES & SOLICITATIONS - HR 4.12**

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### **Sales & Solicitations**

No faculty member, student or college representative may solicit any individual, firm or foundation until approval has been received from the Office of Institutional Advancement and Development. This office will ascertain whether the prospective donor has a previous record of giving to Jarvis Christian College, and if so, for what purpose, after which the impact of the proposed solicitation can be weighed. Only when clearance has been obtained is solicitation permitted.

Canvassing, selling and offering for sale by external vendors is strictly prohibited on campus and in College buildings. Faculty and staff members who are approached by vendors should notify the Vice President of Fiscal Affairs. Approved vendors will present a pass issued by the Vice President of Fiscal Affairs and are restricted to making appointments for business after hours only.

## **PROCEDURES SECTION 4.0 - OFFICIAL SEAL/LOGO POLICY - HR 4.13**

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All Jarvis Christian College advertising should contain the JCC logo and should utilize the optima type family whenever possible. All JCC advertising must be scheduled and placed by the Office of Public Relations.

Student initiated publications (those planned and produced by students), designed for the Vice President of Student Affairs must approve distribution to persons other than the members of the sponsoring student organization. College regulations prohibit the sale of advertisements for student publications, programs or special brochures, except by permission of the Department of Public Relations in cooperation with the Office of Institutional Advancement and Development.

In addition, individuals or firms seeking permission to use the College's name, its official seal or other Jarvis Christian College symbols (such as the Bulldog) on a product for commercial purposes must obtain prior approval from the Public Relations Office. This includes give-away items containing commercial advertising for distribution on campus.

## **PROCEDURES SECTION 4.0 - USE OF COLLEGE FACILITIES - HR 4.14**

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### **Use of College Facilities**

#### **Internal Requests**

Requests for the use of facilities should be made two weeks in advance of the activity. Scheduling and final approval of requests are the responsibilities of Student Affairs. Fund



raising activities between Monday and Thursday must be scheduled to end no later than 10:00 p.m.

### **External Requests**

The President's Office on recommendation by the Office of Institutional Advancement and the Office of Fiscal Affairs must approve the use of any College facilities by outside groups. Outside groups receiving preference are those that share the educational goals of the College.

Applications for use of facilities should be in writing at least thirty (30) days before the proposed event. Application blanks may be secured from the Office of Institutional Advancement and Development.

Fees for use of facilities will be determined by the Office of Fiscal Affairs, and will be assessed for custodial, security and other special services required beyond normally scheduled operations. Evidence of appropriate liability insurance must be provided prior to use of facilities.

### **Athletic Events Charges**

Athletic **activities** held on the campus will have the following admission fees:

Jarvis students	Admission free with ID card
Other Students	\$2.00
College employees	Admission free with ID, except play-off games
General admission	\$3.00
Children under school age (5 years and under)	Free of charge

### **Office of Public Relations**

All requests for public Relations comments, media, etc., are to be forwarded to the Office of Public Relations who will review, process, and coordinate with the President's Office for action.

The Office of Public Relations is responsible for ensuring all Jarvis news, stories, pictures and other Campus materials are formatted, prepared, articulated and presented to the President's Office for review prior to release to social media, newspapers, radio and television spots.

The Office of Public Relations will coordinate with local and state media representatives to ensure that JCCs information is released and pushed out on a systematic basis.

The Office of Public Relations will conduct a weekly meeting with each department to identify all JCC activities to ensure that each department activity is covered and captured to not only retain historical actions, but to display articles of interest about students, faculty, projects, etc., that the College deems of interest to inform our community, town, and state.

As a general rule, all items of interest to and/or about students, a faculty/staff member will also be of interest to one or more of the College's many stakeholders. Promotions, honors, research projects, publications, students, meetings, and speeches are suitable for news releases. Departments should contact the Office of Public Relations at least two weeks out in order to ensure proper coverage is available. If there is a 'fast approaching event' that is immediate in nature, please contact the Office of Public Relations via phone to ensure the quickest response.

## **Photography**

The Office of Public Relations will coordinate with each department in regards to their specific requirements for photography. Please allow up to three days for the Office of Public Relations to provide completed photographs for review. The Office of Public Relations will be the main point of contact for all photography needs during college events such as: graduation, convocation, etc.

## **Official College Calendar**

An annual calendar of campus programs and events is available from the Office of the Registrar at the beginning of the Fall semester. A more detailed calendar is maintained in the Office of Student Activities. These calendars should be consulted before scheduling additional events.

## **PROCEDURES SECTION 4.0 - CHECK CASHING POLICY- HR 4.15**

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### **Check Cashing Policy**

The College does not cash personal checks.

## **POLICIES SECTION 4.0 - TRAVEL POLICY - HR 4.16**

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### **Travel Policy**

The College policy on travel is intended to provide guidelines to control travel expenditures, meet the reasonable needs of the travelers and facilitate proper reporting while ensuring compliance with IRS requirements.

The traveler is responsible for ensuring the accuracy of travel arrangements, preparation of forms, and for compliance with federal regulations, College and department policies, and sponsored agreement terms

### **Trips regarded as “College Business”**

The following types of trips may be considered as “College business” for which travel may be provided:

Trips to a meeting of a group whose work is public or semi-public in character, wherein the College has a responsibility to participate and the person’s field of specialization is such that he/she can contribute to the program and plans of such an organization.

Trips to international, national, regional or state learned societies for the formal presentation to original research by an employee, or for the employee to participate as a duly elected officer of society.

Trips to a meeting of a group whose members are employees or students for the purpose of keeping in touch with the type of training needed to fit students for particular fields of occupation.

Trips to a meeting of a group representing a special industry wherein the person's field of specialization is such that he/she can assist in the solution of problems confronting this industry.

Trips to a meeting, membership of which is institutional and of which the College is a member. (i.e., staff members officially representing the College in some phase of the proceedings.)

Trips of the teaching staff in charge of student teaching visitations, official judging teams, athletic teams, College choirs, bands or ensembles, debating teams or similar activities.

Trips by officers and employees in charge of official exhibits.

Trips by officers, employees or other approved individuals to meetings, conferences, etc., of value to the College. The purpose of these conferences "must have reasonable, substantial and direct relation" to purposes for which the college was established. Professional meetings, conferences, seminars, etc., should relate directly to the attendee's area of responsibility at the College.

Trips to inspect equipment or supplies for the possible purchase by the College.

Trips to interview potential faculty and staff members.

Trips engaged in student recruitment efforts.

Trips engaged in development and fund raising for the College.

Trips to attend Board of Trustees and/or Board Committee Meeting.

### **Approval for Travel**

Trips meeting the criteria for "College business travel" should be submitted on the *Application for Leave And Travel* and forwarded to the Business Office at least ten (10) days prior to the date of departure. No travel expenses shall be incurred or money disbursed without the proper channeling and approval of leave requests. Additional travel advances are withheld until all appropriate travel form and supporting documents have been received in the Business Office.

### **Travel Expense**

The College will reimburse employees for travel expenses incurred while on official business for the College. Reimbursement for such expenses shall be in accordance with established allowances for approved travel. Requests for reimbursement should be submitted to the supervisor and the departments authorized account signer for review and approval. The

department will forward it to the business office. All travel expense reports are due within ten (10) working days after returning from each trip with all receipts attached.

### **Spouses/Relatives/Invited Guests**

When a spouse, relative or invited guest is traveling with an employee, the cost of transportation, lodging and meals for the spouse, relative or invited guest is considered a personal expense unless there is a valid business reason for the College to incur the expense. Written approval from the President's office is required prior to travel. If expenses include entertainment, meals or lodging provided for spouses/relative/invited guests, an Entertainment Expense Statement detailing the relevant expenses must be attached to the Travel Statement.

### **Double Travel Expense Payments**

When an officer or employee of Jarvis Christian College engages in travel that is to be compensated from any source other than College funds, a claim shall not be submitted under the provisions of these regulations.

### **Use of College Credit Cards**

When necessary, the president/directors may authorize the use of College card(s) for transportation and/or other expenses. Full receipting is required for use of all such cards.

### **Allowances for Travel under Federal/State Programs**

An officer or employee traveling under any contract administered by the federal or state government shall be reimbursed for travel expenses and allowances on the same basis as other employees except that provisions of contracts shall govern when specific travel guidelines are included.

On Federal or State sponsored projects, airfare costs in excess of the lowest available commercial discount fare, Federal/State government contract airfare (where authorized and available), or customary standard (coach or equivalent) airfare, are unallowable except when such accommodation would require roundabout routing; require travel during unreasonable hours; excessively prolong travel; greatly increase the duration of the flight; result in increased cost that would offset transportation savings; or offer accommodations not reasonably adequate for the medical needs of the traveler.

### **Lodging**

#### Hotel Reservations

When choosing lodging, consider those with single room rates. When applicable, employees are encouraged to use facilities that offer business rates, senior citizen rates, or special promotion/conference rates. Employees traveling together will share a room when appropriate.

#### Hotel Cancellation Procedures

Each employee is responsible for canceling hotel room reservations. The employee should request and record the cancellation number in case of billing disputes. Employees requesting to be reimbursed when they have failed to cancel a reservation must provide a written explanation for failure to cancel the reservation.

## **Hotel Payment Procedures**

All hotel expenses should be paid using one of the following methods:

- \* corporate credit card
- \* direct bill when payment is required in advance or for special events
- \* personal credit card
- \* purchase order for group travel

## **Telephone Usage**

Employees may be reimbursed when using personal telephone calling card for business phone calls that are reasonable and necessary for conducting business. Personal calls will not be reimbursed while traveling on business. All calls must be identified with an explanation of all reimbursable calls on the travel application.

When staying at a hotel, avoid making phone calls that have a surcharge. To minimize substantial additional charges added by hotels to the telephone bills, use a credit card, or public phone whenever possible.

## **Meals**

### **Allowance for Meals**

An allowance for meals and lodging will be paid to officers and employees of Jarvis Christian College on a thirty (30) dollars per day per diem.

When employees or officers are in travel status for a period of at least six (6) hours, but less than twenty-four (24) hours, a partial meal allowance will be subject to the guidelines listed below:

*Six dollars (\$6.00) will be paid for breakfast if the employee departs from his/her residence or the campus before 7:00 AM and/or returns after 7:00 PM.*

*Eight dollars (\$8.00) will be paid for lunch if the employee departs before 12:00 noon and returns after 1:00 PM.*

*Sixteen dollars (\$16.00) will be paid for dinner if the employee departs before 6:00 PM and returns after 7:00 PM.*

When paying for clients, with whom the employee is doing business, submit with receipts their names, their organizations, and how they contribute to the business purpose of the meal.

Employees will not generally be reimbursed for a meal if it is included in a registration fee. If there are extenuating circumstances, a supervisor must authorize the additional expense for which the employee must submit a receipt and an explanation of the business purpose of the meal.

## **Guidelines for Tips and Gratuities**

Tips for a waiter should not exceed a recommended 15% and the gratuity is included in the daily per diem allowance. This figure cannot be claimed separately.

## **Other Reimbursable Expenses**

Employees may be reimbursed for the following miscellaneous expenses:

- business phone calls
- cellular phone use for business calls
- faxes
- food and beverages
- gasoline for rental cars
- ground transportation
- overnight delivery/postage
- parking, when extended travel is involved, airport remote lot parking accommodations should be used
- seminar fees (these can be direct-paid)
- taxis (receipts needed)
- tolls
- excess baggage will be reimbursed only when transporting College materials.

*Note: This list of reimbursable expenses is intended to be representative, not comprehensive.*

## **Transportation**

### Making Air Travel Reservations

Reimbursement shall be made to an officer or employee who uses public transportation while on official travel for the College. When making air travel reservations, the employee is expected to use the lowest logical coach class airfare available, while meeting the business needs of the trip. Employees are expected to consider the total cost to the College including subsistence and lost work when making travel arrangements.

Should an employee utilize ticketless travel, they must request a receipt from that airline.

When purchasing airfare, consider the following factors for determining the lowest fare alternatives: specifically negotiated fares; penalty fares (super savers); Saturday night stay fares; advance purchase fares; connecting and one-stop fares; promotional/convention fares. Preplanning is urged with reservations made as far in advance of the departure date as possible to secure lower rates. Purchases of tickets at the airport or purchases of “next day travel” should not be made except in rare emergency cases. To facilitate advance purchase of airline tickets, instruct the travel agency to direct bill the College.

If the employee must purchase a premium airfare, submit a letter of explanation to the department administrator for approval. Should the employee fail to receive approval, they will be reimbursed at the lowest available airfare.

### Unused Airline Tickets

If the trip was canceled after the ticket was issued, and it is a **refundable** ticket, follow the procedures listed below:

- Return the ticket to the business office or to the travel agency that issued the ticket to expedite refunds.
- Request a Refund Receipt to document any fees and attach it to your travel request.

If the trip was canceled after the ticket was issued, and it was a **nonrefundable** ticket, utilize the following procedures:

- Return the ticket to the department administrator.
- A travel advance account should be established for the value of the unused ticket. The value of the ticket will be the responsibility of the department to utilize the ticket prior to the date of expiration. If the ticket is not used before the date of expiration, it will be the department's responsibility to write off the account balance.

### Lost or Stolen Airline Tickets

If the ticket is lost or stolen, the employee must:

- Fill out a lost ticket application at the airline ticket counter or with your travel agency. There may be a fee for this service.
- Submit the carbon copy of the lost ticket application with your reimbursement request.
- Complete a police report if stolen a copy of the report must accompany your reimbursement request.

### Ground Transportation to and From Airports

Employees are encouraged to use the most economical mode of transportation to and from airports, and share ground transportation whenever possible. Consider the following modes of transportation:

- Public transportation (buses, subways, shared taxis)
- Hotel and airport shuttle services

Keep in mind; you will need receipts for your request for reimbursement.

### Combining College Business Travel with Other Travel

The College will only reimburse employees for the business portion of the trip if it is combined with personal vacation travel. The employee must provide evidence to support the business portion of the trip and the allocation of the expenses that are business related. At the time of ticketing, obtain a quote to document the incremental costs that will be treated as personal expenses and include them with the "Application for Leave and Travel" form.

### Use of Private Vehicle

*Intra-State Travel* - An officer or employee of Jarvis Christian College who uses his/her personal vehicle for the College shall be reimbursed at the rate of twenty-six cents (.36) per mile. For official business, such mileage shall be computed by using the odometer reading from point of departure to destination and return. No additional expense incidental to the use of an automobile shall be allowed. After each travel, a report must be properly executed on the appropriate travel form and submitted at the time of request for reimbursement.

**Interstate** - The same reimbursement rate, restrictions and allowances for intra-state travel shall apply to interstate travel. However, the cost of the use of personal automobile shall not exceed the cost of commercial tourist transportation from point to point. To determine the allowance for the use of personal auto, the following shall apply:

*The total allowance for personal automobile shall not exceed the cost of the economy fare on an airline from the airport nearest to the point of departure and arrival.*

*Travel allowance at the established rate shall apply to and from the nearest major commercial airport.*

*When more than one employee travels interstate in a personally owned automobile, they shall be reimbursed for meals and lodging based on vehicle travel time.*

*When traveling in personally owned vehicle, the employee will not be reimbursed for any repairs to personal vehicles even if these costs result from business travel.*

Reimbursement shall be limited to the actual cost of transportation, which is evidenced by receipts

### Personal Vehicle Accidents

In the event of an accident, the following procedure should be followed:

- The employee should contact his/her insurance company, as the College does not have primary insurance coverage on liability claims;
- Contact local authorities as required;
- Contact department administrator.

### Rental Vehicles

Vehicles should only be rented when:

- Other transportation is not available.
- Such use will result in savings of time or cost to the College.

When traveling by air, a car may be rented upon reaching the destination if it is less expensive than other transportation modes such as taxis, airport limousines or shuttles.



## Returning Rental Cars

To keep costs down, every reasonable effort must be made to return the rental car:

- to the original rental city;
- on time, to avoid additional hourly charges;
- with a full tank of gas.

## Rental Car Accidents

Should a rental car accident occur, immediately contact:

- the rental car company, in accordance with the rental car company's requirements for reporting accidents;
- local authorities, as required;
- the Vice President for Fiscal Affairs (the next working day) □ personal insurance company □ department administrator.

## Fleet Vehicles

The following guidelines will be honored when using College fleet vehicles:

- All authorized drivers of College vehicles must be certified by submission of driver's license, a completion of consent to obtain MVR (Motor Vehicle Record) with the appropriate fee, along with completion of "Fleet Driver's Commitment". The Coordinator of Transportation will update all MVR's and evaluate each driver annually, based on established criteria by the College.
- The following MVR evaluation criteria, on or off the job violation, will disqualify any person as an authorized driver:
  - Three (3) or more moving violations within the preceding 36 months;
  - Driving under the influence of drugs or alcohol;
  - Hit and Run Accident;
  - Failure to report an accident;
  - Operating a vehicle under a suspended or revoked license;
  - Homicide, assault or a felony arising from the operation of a motor vehicle; or
  - Reckless driving, speed, or contest racing.
- The Coordinator of Transportation will authorize the use of College vehicles only on the presentation of an executed Request for Transportation Form or submitted on which an MVR approved driver and alternate driver are both listed.
- There will be no personal use of College owned vehicles without the express written authority by the President of the College.
- Seat belt utilization is required of all drivers and passengers of College owned vehicles and in vehicles operated on College business.
- All accidents must be reported to the police and to the fleet office immediately.

**Caution:** In all cases, the employee must promptly file a written accident report to the Office of Fiscal Affairs.

- Mileage of College vehicles must be checked and recorded by the Coordinator of Transportation upon departure from the campus and upon return to campus. The keys to the vehicles are to be left with Security.
- In extreme emergencies involving student health and welfare, the Vice President for Student Affairs will be permitted to issue a vehicle.

A College vehicle is at all times available for student health transportation. The priorities for use of these vehicles are as follows:

- Student Health
  - Recruitment
  - College choir
  - Internship, student teaching & religious practices
  - Athletics
  - General transportation
- Returned vehicles must be clean or further use may be denied.

**Caution:** *The employee is responsible for paying any parking or traffic violations received while driving a fleet vehicle.*

- Violation of any of the above rules will result in suspension from use of College vehicles by the President of the College.
- More detailed guidelines can be found in the Transportation Policy Manual.

## **PROCEDURES SECTION 4.0 - INVENTORY CONTROL POLICY- HR 4.17**

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### **Inventory Control**

The inventory control section of the College is responsible for maintaining the perpetual inventory records of all movable equipment acquired by the College. All employees of the College who have equipment and or supplies assigned to them must keep accurate inventory records. All department heads are accountable to the President of the College and are personally responsible for equipment and supplies assigned to his/her department. Current listings should be maintained and updated monthly by the departments. Loss should be reported immediately to the Security Office and to the Inventory Clerk. The department head is also responsible for notifying the Inventory and Equipment clerk of gifts received, acquisition, disposal, or transfer of equipment in their custody.

Persons leaving the employment of the College are required to submit an inventory list and obtain a release from his/her division head before they receive their final paycheck.

## **PROCEDURES SECTION 4.0 - INFORMATION TECHNOLOGY SERVICES - HR 4.18**

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### **Telephone Use**

Listed below are guidelines for use of the telephone system:

Employees are not authorized to accept collect calls. Get name and number from the operator and return the call (if it is College business).

### **Requests for Computer Services**

The following policy and procedure is established for the handling of requests for computerized lists of names and addresses of incoming students, groups, or similar requests:

All new requests for lists of names and addresses must be sent to the Business Office. All existing inter-office requests for this information should be processed through the individual offices involved.

The Business Office should be kept informed of the processing schedules so that new requests can be scheduled in with existing reports being processed.

Lists requested by students or College personnel must have the approval of the appropriate department heads.

Lists requested by non-Jarvis groups or organizations must have the approval of the College President. The following criteria will be used in evaluating requests from these groups:

- the enterprise must be legitimate and not in conflict with general College standards;
- the enterprise must be financially stable enough to provide the goods or services being advertised.
- the enterprise must be required to certify that the address labels and list will be used only by the original purchaser and only for the specific purpose stated.

The Business Office will send the list and invoice to the individual or firm that made the initial request. When payment is made, the money will be deposited in a special income account to be designated.

### **E-Mail**

The Office of Information Technology provides email access to all faculty, staff, students, and administrators for the express purpose of handling College business or classroom related activities. For students, email can also be used for personal correspondence with friends and family. However, at no time should the use of College email by faculty or staff impede the operations of the College.

Persons found forwarding unsolicited and unwanted email utilizing the College's computer network will be initially contacted and asked to cease the aforementioned actions. If it continues, access to the College network will be terminated. The senior administration officer to whom the affected employee reports will have to submit, in writing, to the information Technology Department, a request to restore the user's account.

#### Establishment of an E-Mail Account

The Office of Information Technology will only create an email account for new users after receiving official (written) notification from the Human Resources office, or the corresponding Senior Officer, indicating the following:

- Name of New Employee
- Division
- Title
- Immediate Supervisor

No accounts will be created until this information is presented.

#### **Inappropriate Electronic Communications**

Knowing or reckless distribution of unwanted email or other electronic communication is prohibited. Broadcast, chain letters, pornography, intentional distribution of computer viruses or any unauthorized schemes that may cause excessive network traffic, computing load, or damage are prohibited.

#### **Use of Network Resources**

The Jarvis computer network is designed to assist faculty and staff in the successful completion of their daily duties; therefore, the use of bandwidth limiting programs during the course of the business day is strictly forbidden. This includes, but is not limited to Yahoo Instant Messenger, MSN Messenger, AOL Messenger, Kazaa, and MSN Gaming. The Office of Information Technology reserves the right to terminate sessions of any user utilizing the above referenced services, especially during peak operational times of the College network.

#### **Mailroom Hours**

The College Mailroom functions to support the activities of the College. It will not be utilized to solicit funds, distribution of advertising notices for activities or product that are not a normal functions of the College. Any mail of these types left at the mailroom will not be delivered and will be destroyed if a return address is not furnished.

The College Mailroom delivers mail Monday through Friday to the local United States Postal facility in Hawkins, Texas. Typically, the mailroom handles all first class, priority, and express letters and packages sent from the institution. Federal Express, DHL, Airborne, and

other express mail carrier packages can also be picked up in the mailroom; however, they must be sent from an authorized location, as designated by the specific carrier. Contact the carrier directly for details.

All mail received into the Mailroom is available for employee or student pick-up at the designated times. Unauthorized persons are not allowed to get the mail for others without advance notice being given to the Mailroom Clerk.

The College Mailroom will be open at the following hours Monday through Friday for college mail services:

M-F - 8:00 a.m.-1p.m. 2:00 - 3:15 p.m. 4:00 - 5:00 p.m.

All mail must be in the mailroom by 3:00 p.m. daily in order to be processed for the afternoon mail run to the U.S. Post Office. Hours for distribution in the residence halls are 1:00 p.m. until 4:00 p.m. Monday through Friday. Mail is not delivered on weekends or holidays.

Persons, other than students, are discouraged from receiving personal mail at the College address. The mailroom and associated post office box are for official, college-related business. If persons perpetually get personal mail sent to the College, a notice will be sent informing them that they need to secure an external location for personal mail. If the delivery of person mail continues, it will be returned to sender without notice.

## **Data Security Policy: Employee Requirements**

### **Purpose**

Jarvis Christian College must protect restricted, confidential, or sensitive data from loss to avoid reputation damage and to avoid adversely impacting our students and other constituents. The protection of data in scope is a critical business requirement, yet flexibility to access data and work effectively is also critical.

It is not anticipated that this technology control can effectively deal with a malicious theft scenario, or that it will reliably protect from all data loss. Its primary objective is user awareness and to avoid accidental loss scenarios. This policy outlines the requirements for data leakage prevention, a focus for the policy and a rationale.

### **Scope**

1. Any employee, contractor, or individual with access to Jarvis Christian College systems or data.
2. Definition of data to be protected.
  - Confidential. Confidential data is any information that can be connected to the person providing them or that could lead to the identification of a person referred to (e.g., name, addresses, occupation, photographs) or information that is given in confidence and agreed to be kept private.

- PII. Personally identifiable information (PII) is any data that could potentially identify a specific individual.
- Financial. Financial data consist of pieces or sets of information related to the financial health of a business.

#### Employee Requirements

1. Employees should never give their password to any individual under any circumstances.
2. Employees should keep a clean desk. To maintain information security employees need to ensure that all printed in scope data is not left unattended at their work area.
3. Terminated employees will be required to return all records, in any format, containing personal information.
4. Any information being transferred on a portable device (e.g. USB stick) must be encrypted.
5. Terminated employees will immediately have their access removed.
6. If a device is lost or stolen employees must immediately notify the technology department.
7. Employees are to never store their passwords in plain sight.

### **POLICIES SECTION 4.0 - PERSONNEL FILES POLICY- HR 4.19**

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The College shall require the maintenance of a uniform system of personnel records for all employees. It shall be the responsibility of the Human Resources Director to keep the records updated and complete in accordance with statutory provisions.

#### **DEFINITIONS**

The following are definitions as they pertain to this policy:

- A. *Document* means any written or otherwise tangible material intended to be or actually used as a part of or any evidence of the work history of any employee including, but not limited to, any and all reports, comments, reprimands, correspondence, memoranda, evaluations, observations, and grievances relative to a particular employee.
- B. *Personnel file* means the “single official file” in the Human Resources Department that contains the cumulative collection of any and all documents maintained by the College with respect to each individual employee.
- C. *Personnel file custodian* means that person employed by the College charged with the duty of maintaining and preserving the personnel files (i.e., the Human Resources Director).

D. *Third party* means any person or entity not regularly employed, or employed under a contract by the College.

### **PERSONNEL FILE MAINTENANCE**

A personnel file shall be accurately maintained in the Human Resources Office for each present and former employee. These files shall contain applications for employment; references; records relative to compensation; payroll deductions; evaluations; and such other matters as may be considered pertinent to the proper maintenance of all personnel records. It is the duty of the employee to furnish the Human Resources Director with certificates, transcripts, statements of degrees, and other educational experience related documentation.

It is also important that accurate, current records be maintained for benefits and employment purposes. Therefore, all employees are required to notify the Human Resources Director immediately if there is any change in relevant personal or employment information such as changes in address, phone numbers, marital status, emergency contact information, insurance beneficiary, number of dependents or legal name.

All information contained in the personnel file is the property of Jarvis Christian College and is not available for review by anyone other than the employee, his/her supervisor, and the Human Resources Department. Employees may examine their personnel files after contacting the human resources department in advance to schedule an appointment; however, these documents may not be removed from Jarvis Christian College's premises or photocopied without the specific authorization of the Human Resources Director.

If an employee believes that information in their personnel file is incorrect, they must submit a written request to change the information to the Human Resources Director. If such a request is granted, the human resources department will make the change in the presence of the employee. If the request is denied, an employee can ask to place a statement of disagreement in the file. This statement of disagreement will become a permanent part of the employee's file.

Jarvis Christian College considers falsification of personnel records to be a serious offense, and upon discovery, can lead to disciplinary action up to and including termination. Jarvis Christian College retains all human resource records for five (5) years after an employee leaves employment. This five year retention is in compliance with the Texas Administrative Code, Title 13, Chapter 6, §6.10, Subsection 3.1.002.

The Human Resources Director shall be the designated custodian of all personnel files and shall have the overall responsibility for maintaining and preserving the confidentiality of the files.

No document, except those resulting from routine record keeping, shall be placed in the employee's personnel file until that employee has been presented with the original document and a copy prior to filing. The employee, upon receipt of the original document, shall sign the original document attesting receipt of the copy. The signature shall not be construed as an agreement on the contents of the document.

Any rebuttal or response to a document placed in an employee's personnel file shall be submitted by the employee within fifteen (15) working days of the date the original document was signed. The time period may be extended for ten (10) days provided a written request is made for such an extension within the original fifteen (15) day period. Any rebuttal or response to a document shall be dated and signed by appropriate personnel and shall be attached to the original document when placed in the personnel file.

### **Records Management and Retention Procedures**

Jarvis Christian College recognizes the need for orderly management and retrieval of all official records and a documented records retention and destruction schedule congruent with all state and federal laws and regulations.

Duplicate files, duplicate copied, library materials, and stocks of obsolete forms or pamphlets originally intended for distribution are not considered to be official records or record copies. Duplicates or non-record copies should be destroyed when they cease to be useful.

All records will be retained for the minimum periods stated in the Records Retention Schedule. All records must be maintained until all required audits are completed. The records should be kept beyond the listed retention periods when there is a probability of litigation either involving the records or requiring their use.

Certain inactive records are retained to meet legal and fiscal requirements or future administrative needs, or because of historical significance. Department heads are responsible for the management of their department's records, including the records of all faculty and staff members within their departments.

Vital records or records which are necessary for the continuation of the College's operation following a disaster will be identified and protected.

Personnel record documentation should be kept on a *Record of Contact*.

### **Record Retention Schedule**

*Admission Records* are retained for Archives.

*Audit Data* is archived.

*Employee Benefit Plans* are kept for the life of the plan and held one year after the plan expires.

*Financial Aid Records* are retained a minimum of seven (7) years.

*Financial Records* are maintained a minimum of seven (7) years.



*Historical Records* include, but are not limited to the following: reports, committee minutes, newspaper articles, publicity releases, photographs, are preserved in the Archives of the College.

*Payroll Records* this includes name, address, sex, date of birth, occupation, pay rates, wages, and length of workweek. Retain minimum of seven (7) years.

*Personnel Records* are kept for a minimum of five (5) years or longer if necessary, depending upon the situation.

*Student Records* are maintained by the Office of the Registrar.

*Wage Data* along with other employment and earnings records, such as time and earnings cards, work schedules, records of additions or deductions from wages will be maintained and kept for two (2) years.

### **Student Records**

All permanent academic records of students, including grades, are kept in the Office of the Registrar. Complete grades are posted to transcripts at the end of each semester by the Office of the Registrar and are available only to those with official needs. Student records are managed in accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA).

### **Student Rights and Student Conduct**

The welfare of the student at Jarvis Christian College is a primary concern of the faculty and administrative staff of the college. Guidelines have been developed to insure the rights and responsibilities of each individual in the college community. Copies of the regulations pertaining to Student Rights and Conduct are found in *The Bulletin*, *Student Residential Life Handbook* and *College Catalog*.

### **Notice of Right to Review Student Records**

Jarvis Christian College acknowledges the right of a student to review records that are maintained. Jarvis Christian College further acknowledges the right of parents of students under eighteen years of age to review these students' records. Policy and procedures regulating the review of student records are also recorded in the **Student Handbook**. All questions regarding the right to review student records should be referred to the Office of Student Affairs.

Jarvis Christian College maintains the following records which are considered permanent student records subject to the *Family Educational Rights and Privacy Act of 1974 (FERPA)*:

<b><i>Document</i></b>	<b><i>Where Maintained</i></b>
ISIR	Student Financial Aid
College Work-Study Records	Student Financial Aid
Award and Acceptance Letters	Student Financial Aid
Supplemental Financial Application	Student Financial Aid

Student Eligibility Report  
Official Transcript  
Grade Reports  
Disciplinary Sanctions

Student Financial Aid  
Office of the Registrar  
Office of the Registrar  
Office of Student Affairs

Jarvis Christian College, in compliance with the aforementioned law, will make available for review the records listed above upon written and approved request using the form *Request to Review Student Records*. All such reviews must be made within the confines of the office where the records are maintained. Persons eligible to review such records are:

1. Currently enrolled Jarvis Christian College students who wish to review their own records.
2. Graduates or former students wishing to review their own records.
3. A parent or legal guardian of a currently enrolled student who is under the age of eighteen.
4. A parent or legal guardian of a former student, graduate, or currently enrolled student who is over eighteen years of age and who authorizes the review of information.

### **Release of Records**

Written requests for documents under the Texas Open Records Act should be directed to the Vice President for Fiscal Affairs and handled immediately pursuant to the provisions of the Texas Open Records Act.

Generally, student records are confidential records. Student disciplinary records are to be maintained separate from the academic records; both sets of records are confidential. Locations of records are listed in the *Student Handbook*, along with the *Administrative Handbook*.

### **Lost and Found**

The Campus Security Office is the official Lost and Found Office. Articles lost or found should be reported as soon as possible to help the office in returning property to the rightful owner.

## **OTHER POLICIES SECTION 5.0 - REDUCTION IN STAFF POLICY – HR 5.1**

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In accordance with, and complementary to, the official College policies dealing with budget reduction(s) or other reasons such as technological replacement and/or program discontinuance, these policies and procedures will be implemented at such time(s) it becomes necessary to have a reduction in work force. When situations such as this arise, a Letter of Non-Renewal will be issued.

## **SCOPE**

These policies and procedures are applicable to all staff and faculty personnel assigned throughout the College, regardless of the source of funding for the position.

It is the policy of the College to provide stable employment to faculty and staff personnel. However, there may be occasions, which necessitate a reduction in the staff work force.

A reduction in work force shall be among the last options implemented by the College. It may be instituted in cases of bona fide budget reduction, lack of work, lack of funds, program discontinuation, technological replacement, obsolete job qualification requirements, or any other condition of serious financial distress that may be determined or declared at any time in the future. When such conditions exist, the President, with a review and approval by the Board of Trustees, will announce or declare the implementation of this policy.

The decision as to the extent of the reduction in work force within the College shall be recommended by the President, with prior review by the Board of Trustees.

When options are available as to which job(s) to select for reduction, the President will consult with the appropriate Vice President to select the position(s) where such reductions will have the least amount of negative impact on the vital programs of that unit.

Staff retention during periods of work force reduction where the number of staff in the selected job(s) exceed the number of positions to be eliminated will be based upon performance as well as length of time in service, commonly referred to as seniority. Performance and seniority are determined for the purpose of this policy as follows:

The level of performance shall be determined by the three most recent written performance reviews as provided in the Performance Evaluation Policy.

Seniority shall be determined as College-wide continuous employment date.

Staff members who receive a Non-Renewal Letter do not routinely have the right to enter formal grievance charges in regard to this action, except for reasons of alleged violation of these policies and procedures governing such reduction of work force, or for alleged acts of discrimination. This provision supersedes normal grievance procedures adopted by the College.

Reassignment of staff members to comparable or similar vacant positions in unaffected areas:

Whenever it is determined that a reduction in work force is necessary, the President, after consultation with the appropriate unit administrator, has the discretion and authority to place the affected staff member(s) in vacant position(s) without the affected staff member(s) necessarily having to compete with others.

In all cases of reassignment, the staff member must possess the minimum qualifications for the new position.

In cases in which the affected staff member(s) are not reassigned to other positions the persons will be issued the Letter of Non-Renewal in accordance with the policies and procedures that deal with a reduction in work force.

This policy is designed to protect incumbent, staff members who are faced with receiving a Letter of Non-Renewal due to a situation as described in this Policy, from always having to compete should a position be open.

At the time of Nonrenewal, all earned but unused annual leave and/or compensatory leave will be taken prior to the effective end date. The effective date will be the next day following the last day worked by the affected staff member. When organizational needs result in the non-renewal of a long-term employee, the College will use the following criteria to reward years of service:

**Years of Service are based on Years of Rate**

**Years of Services Awards Calculated at of Pay**

**Consecutive Service from Most Recent Date of Hire**

A. Thirty or more years of service	Twelve Weeks of additional paid leave and/or pay, or a combination of both to be determined by the College.
B. Twenty or more years of service but less than thirty	Nine weeks of additional paid leave and/or pay, or a combination of both to be determined by the College.
C. Ten or more years of service but less than twenty	Six weeks of additional paid leave and/or pay, or a combination of both to be determined by the College.
D. Five or more years of service but less than ten	Three weeks of additional paid leave and/or pay, or a combination of both to be determined by the College.
E. Less than five years of service	Two weeks of additional paid leave and/or pay, or a combination of both to be determined by the College.

Persons that received a Letter of Non-Renewal will be eligible for new employment with the College, but such new employment will be under the same conditions as for all new staff members, including the successful completion of a new 90 day orientation period immediately after the date of new employment where required.

## **PROCEDURES**

At any time a reduction in work force becomes necessary, the President, with input from the appropriate Vice President, shall develop the plan for the reduction in work force for review by the Board of Trustees.

The plan shall include all the possible alternative solutions to the condition of serious financial distress prior to taking the reduction in work force action including all pertinent factors as to what functions and/or job(s) are to be affected and the number of persons that will be impacted. In the event of changes in the qualifications for the position, the plan shall include details regarding the change and steps taken in order for the individuals to meet the new qualifications.

The appropriate Vice President shall include a listing of all staff members within the affected unit including the three most recent performance review ratings, continuous employment date, age, and ethnicity.

The reduction in work force will be accomplished within each affected unit by job, removing from the University payroll the least senior person(s) with the lowest performance level; repeating the procedure until the number of persons to be removed from the payroll has been reached.

All persons affected by this reduction in work force shall be notified in writing as early as possible, 30-60 days. However, it is noted that in the case of funding by a grant or contract, shorter notice may be appropriate.

**The Letter of Non-Renewal shall contain the following information:** The effective date of the non-renewal.

A statement advising the incumbent of eligibility to apply for unemployment compensation.

The right of the employee to continue to maintain eligible insurance coverage subject however to the continued payment of insurance premiums by the employee. If the employee wishes to cancel coverage, the cancellation must be done within 30 days of the last day of work or the employee will be responsible for the cost of coverage until cancellation at the next annual enrollment period.

When a vacancy occurs it will be listed with Human Resources and those that Received Letters of Non-Renewal can apply according to statues outlined above.

This policy does not include employees who are offered another position with the College, but refuse said offer. Nor does this policy include employees terminated for cause.

The College reserves the right to suspend or modify this policy, or any portion thereof, when financial shortfalls occur. The College reserves the right to make this determination without prior notice.

## **POLICIES SECTION 5.0 - MEMORIAL GROUNDS POLICY– HR 5.2**

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### **JARVIS CHRISTIAN OPERATING STANDARDS MEMORIAL GROUNDS**

#### **PURPOSE**

The Pioneer Cemetery is located on Jarvis property. Individuals buried there are people who have contributed to Jarvis in some manner. Requests are sometimes made by families asking that the Pioneer Cemetery be the final resting place for their loved ones. To that end, the following operating standards and procedures have been established.

#### **SCOPE**

The Jarvis Christian College Pioneer Cemetery is part of the Jarvis Christian College legacy. It is dedicated to the founding families and descendants, as well as the faculty and staff of JCC. Any descendent of Major J.J. Jarvis or his wife, Ida Van Zandt Jarvis; Thomas Buchanan Frost; Charles Albert Berry, Sr.; Mary Alphin; Zach Howard; and former Presidents and/or spouses, who wish to be buried in the Jarvis Pioneer Cemetery, will be given priority and may select a location for the plot in the cemetery.

#### **POLICY**

A Cemetery Committee, consisting of current Jarvis faculty and/or staff, and appointed by the President, will act as a liaison body between the College and the public to review all requests of individuals wanting to be buried in the Jarvis Pioneer Cemetery.

The President will have the final approval on the Cemetery Committee's recommendations. Any exceptions to the policy must be informed to the Board of Trustee for approval.

The Finance Office is responsible for the management, which includes the care and upkeep of the cemetery.

#### **PROCEDURE**

When requests for burial in the Jarvis Pioneer Cemetery are received by the College, they will be sent to the Cemetery Committee for review. In making their decision to grant a request for burial in the Jarvis Pioneer Cemetery the Committee will, for example, consider the following:

- A. The deceased must have worked at the college for a period of five years; exception will be made at the discretion of the President and the Board of Trustees.
- B. The deceased must have worked at the College full-time.
- C. The deceased must have made considerable contributions to the College thereby impacting on students positively through education or finance.

The process for selecting gravesites shall be as follows:

- A. Gravesites will be selected by the Cemetery Committee with input from the family, and final approval from the President.
- B. Any gravesite may be chosen except those already included in a family plot.
- C. Existing graves may not be moved to accommodate the burial of a recently deceased individual.
- D. If a family decides they want to move the graves of their loved ones to another cemetery, they must contact the Office of Finance and Administration, who will coordinate the move through the Cemetery Committee. The family will incur all costs associated with this venture.

Any change of plans with regard to the burial of any member or members of a family in the Jarvis Pioneer Cemetery should be communicated immediately to the Cemetery Committee so that the rejected gravesite can be allocated for use by others.

Any additional improvements at the gravesite must be approved by the College and paid for by the family.

Burial expenses, which include opening and closing of the grave, headstones, markers, etc., must be arranged and paid for by the family.

All burials must be under the direction of a funeral home that is licensed by the Texas Funeral Service Commission and conform to regulations regarding, for example:

- A. Grave Size
- B. Requirements for covering of the grave
- C. Headstones or markers

All funds pertaining to the Cemetery, regardless of purpose for which it is to be used, must be deposited in the Cemetery Account at Jarvis Christian College in the Office of Finance and Administration.

All expenditures from the Cemetery Account will require the signatures of the Vice President for Finance and Administration and the President or his/her designee.

All Cemetery records will be kept in the Office of the President and available for viewing upon request by the public with two weeks' notice.

The College will accept all donations from families. Such donations will be placed in the Cemetery Fund and be used for the upkeep of the cemetery.

**JARVIS CHRISTIAN INTELLECTUAL PROPERTY POLICY**

Jarvis Christian College hereby establishes this Intellectual Property (“IP”) Policy with respect to the development, protection, and transfer of rights to IP resulting from the work of its Faculty, Employees, Students, and other third parties.

**Introduction**

Jarvis is dedicated to providing an environment that supports the creation and development of Intellectual Property by Faculty, Employees, and Students, which IP includes, but is not limited to, inventions, copyrights (including computer software), trademarks, and tangible research property such as biological materials. Such activities contribute to the academic and professional development of Faculty, Employees, and Students, enhance the reputation of Jarvis, and provide additional educational opportunities for participating Students. While Intellectual Property may, in some cases, be the product of a Creator and that Creator’s time and resources, oftentimes, the creation and development of Intellectual Property depends not only on the Creator’s ingenuity, time and resources, but also on contributions (both monetary and otherwise) from Jarvis and third parties. It is important, therefore, to stimulate the development of Intellectual Property by protecting the interests of all those involved in the creation and development of Intellectual Property at Jarvis or using Jarvis Resources.

The following policy is applicable to all full and part time faculty, staff, employees, students, and nonemployees who use Jarvis funds, facilities, or other resources, or participate in Jarvis-administered research, including visiting faculty, industrial personnel and directors, regardless of obligations to other companies or institutions. For purposes of this policy, these individuals will be referred to as “covered persons” or “persons covered by this policy”.

From time to time, it may be in the best interests of Jarvis to enter into agreements with third parties that are exceptions to the policies reflected in this document and the persons covered by this policy. Exceptions shall be made after consultation with the President or designee and only upon written agreements signed by individuals authorized to grant such exceptions on behalf of Jarvis.

**Section I. Inventions and Patents**

A. Definitions. The following terms have the provided meanings for purposes of this policy:

*Inventor*. Shall mean a person covered by this policy who individually or jointly with others makes an Invention and who meets the criteria for inventorship under United States patent laws and regulations.

*Invention*. Shall mean any patentable or potentially patentable idea, discovery or know-how and any associated or supporting technology that is required for development or application of the idea, discovery or know-how.



*Supported Invention.* Shall mean an *Invention* conceived or reduced to practice by a person covered by this policy (whether alone or together with others) if conceived or reduced to practice in whole or in part:

1. Under or subject to an agreement between Jarvis and a third party; or
2. With use of direct or indirect financial support from Jarvis, including support or funding from any outside source awarded to or administered by Jarvis; or
3. With use (other than incidental use) of space, facilities, materials or other resources provided by or through Jarvis.

*Incidental Invention.* Shall mean an *Invention* (other than a *Supported Invention*) that is conceived or reduced to practice by a person covered by this policy making an incidental use of space, facilities, materials or other resources related to the conception or reduction to practice of such *Invention*.

- B. Disclosure Obligations. *Covered persons* are required to notify the President or designee of each *Supported Invention* and *Incidental Invention* through a disclosure document as prescribed by the President or designee, except as otherwise provided in Section III regarding *Sponsored Software Inventions*.
- C. Ownership Determination. Upon review of the disclosure document, the President or designee will determine whether the *Invention* is a *Supported Invention* or an *Incidental Invention* and, in the case of a *Supported Invention*, shall further determine, with assistance from patent counsel, who are the *Inventor(s)*, consistent with U.S. patent law. Jarvis shall have the right to own and each *Inventor*, at Jarvis' request, shall assign to Jarvis all of his/her/its right, title, and interest in a *Supported Invention*. Ownership of an *Incidental Invention* shall remain with its *Inventor(s)*, subject to any rights that may be granted to Jarvis as required by this policy.
- D. Filing of Patent Applications. The President or designee shall be solely responsible for determining whether a patent application shall be filed on a *Supported Invention*. Filing determinations may be made on the basis of commercial potential, obligations to and rights of third parties, or for other reasons which the President or designee, in his/her discretion, deems appropriate. *Inventor(s)* of a *Supported Invention* for which patent applications are filed shall cooperate, without expense to the *Inventor*, in the patenting process in all ways required by Jarvis or its agent or designee.
- E. Commercialization. The President or designee shall have the sole discretion with respect to the commercialization of a *Supported Invention*, but shall take into account the public interest. Where a *Supported Invention* is subject to an external agreement with a third party (for example, the federal government or other funding sponsor), the President or designee shall make decisions consistent with that agreement. The President or designee shall make decisions concerning commercialization as he/she deems appropriate and shall make reasonable efforts to keep *Inventor(s)* involved and informed of his/her commercialization efforts.
- F. Royalty Sharing. Where royalties are generated by Jarvis as a consequence of commercializing a *Supported Invention*, royalties will be shared with the *Inventor(s)* as

described in Section V (“Royalty Sharing”) of this policy. Jarvis shall have the right to modify the Royalty Sharing section of this policy in accordance with Section VI.C of this policy.

G. Release of Inventions. Where Jarvis determines that it will not file a patent application on a *Supported Invention*, abandons a patent application on a *Supported Invention* prior to issuance of the patent, or abandons an issued patent on a *Supported Invention*, the *Inventor(s)* may request a release of the *Invention*. Upon determining that releasing the *Invention* to the *Inventor(s)* will not violate the terms of an external funding agreement and is in the best interests of Jarvis and the public, the PRESIDENT OR DESIGNEE may agree to a release and in such case will assign or release all interest which it holds or has the right to hold in the *Invention* to the *Inventor(s)* in equal shares, or such other shares as the *Inventors* may all agree. Release of *Supported Inventions* may be conditioned upon, among other things, agreement by the *Inventor(s)* to the following:

1. To reimburse Jarvis for all out-of-pocket legal expenses and fees incurred by the Jarvis if and when the *Inventor(s)* receive income from the *Invention*.
2. To share with Jarvis 20% of the net income (income remaining from gross income after repayment of Jarvis expenses above and the *Inventor(s)*’ legal and licensing expenses) received by the *Inventors* from the *Invention*. Income subject to this revenue sharing provision includes equity received by *Inventors* as consideration for the *Invention* but does not include financing received for purposes of research and development.
3. Upon request, to report to Jarvis regarding efforts to develop the *Invention* for public use and, at Jarvis’ request, to reassign those *Inventions* that the *Inventor(s)*, their agents or designees are not developing for the benefit of the public.
4. To fulfill any obligations that may exist to sponsors of the research that led to the *Invention*.
5. To grant back to Jarvis an irrevocable, perpetual, royalty-free, nonexclusive, worldwide right and license to use the *Invention* for its research, education and clinical care purposes and a right to grant the same rights to other non-profit institutions.
6. To agree to such limitations on Jarvis’ liability and indemnity provisions as Jarvis may request.

H. Jarvis Rights in Incidental Inventions. In recognition of the contribution the Jarvis community as a whole makes in support of innovation at Jarvis, *Inventor(s)* agree to grant to Jarvis an irrevocable, perpetual, non-exclusive, royalty free, world-wide right to use *Incidental Inventions* in Jarvis’ non-profit educational and research activities.

## **Section II. Copyrights**

A. Ownership. Subject to the Exceptions in subsection B below, *Authors* are entitled to own the copyright and retain any revenue derived therefrom in books, films, video cassettes, works of art, musical works and other copyrightable materials of whatever nature or kind and in whatever format developed, except that computer software and databases shall be subject to Section III (“Computer Software”) of this policy. It is expected that when entering into agreements for the publication and distribution of copyrighted materials, *Authors* will make arrangements that best serve the public interest. As used in this policy, “*Author*” means any person covered by this policy who creates a work of authorship qualifying for protection under U.S. copyright law. B. Exceptions.

1. Whenever research or a related activity is subject to an agreement between Jarvis and a third party that contains obligations or restrictions concerning copyright or the use of copyrighted materials, those materials shall be handled in accordance with the agreement. In negotiating with third parties, project directors and Jarvis should strive to protect and advance the public interest as well as obtain the greatest latitude and rights for the individual *Author(s)* and Jarvis consistent with the public interest and this policy.
2. In circumstances where Jarvis involvement in the creation and development of copyrighted materials is more than incidental, including, but not limited to, use of resources such as funds, facilities, equipment or other Jarvis resources, in consideration of making such resources available, ownership and rights to shares of royalties or income or both shall be fairly and equitably apportioned as between Jarvis and the *Author(s)*. This policy encourages, whenever feasible, Jarvis and the *Author(s)* to reach agreement prior to the commencement of a project on the rights that Jarvis and *Author(s)* will have in the resulting copyrighted materials.
3. A copyrightable work created within the scope of employment by non-teaching employees of Jarvis shall be a “work made for hire” under the U.S. Copyright Act of 1976 (17 USC §101 et seq.) and Jarvis shall be deemed the *Author* and shall own the copyright.
4. Jarvis may also commission copyrightable works from Jarvis personnel, including faculty and students. A commissioned work falling within the “work made for hire” definition of the U.S. Copyright Act (17 USC 101 et seq.) shall constitute a work-for-hire and be owned by Jarvis.
5. Jarvis, at any time, may acquire ownership or rights in copyright and copyrighted materials by agreement with the *Author(s)* or other rightsholder(s), on such terms as are agreed.

C. Other Applicable Policy. Sections I.E and I.F of this policy shall apply to *Copyrights* that are assigned to Jarvis under paragraph B.1 above as if they were *Supported Inventions*, except as otherwise provided in the other paragraphs of Section II.B.

D. Classroom Recordings. With consent of a Faculty member, Jarvis may record, in any form now known or later invented, such Faculty member’s classroom lectures and may use, copy, reproduce, distribute, prepare derivative works using, perform and display such recordings for the benefit of Jarvis so long as such recordings are used for non-revenue producing purposes. In the event Jarvis desires to use such recordings for revenue producing purposes Jarvis shall reach a separate agreement with the respective faculty member regarding such use or shall contract to produce same as a work for hire under a separate agreement.

### **Section III. Computer Software A.**

#### Definitions.

*Sponsored Computer Software.* Shall mean any computer program (including, without limitation, microcode, subroutines, and operating systems), regardless of form of expression or object in which it is embodied, together with any users’ manuals and other accompanying explanatory materials and any computer database, that is developed:

1. Under or subject to agreement between Jarvis and a third party; or

2. With use of direct or indirect financial support from Jarvis, including support or funding from any outside source awarded to or administered by Jarvis; or
3. With use (other than incidental use) of space, facilities, materials or other resources provided by or through Jarvis.

*Sponsored Software Invention.* Shall mean *Sponsored Computer Software* that is an *Invention* as defined under Section I of this policy. B. Disclosure Obligations.

1. A *Sponsored Software Invention* shall be required to be disclosed to the President or designee as an *Invention* only in cases where:
  - a. The *Sponsored Software Invention* was developed under or subject to agreement between Jarvis and a third party as in paragraph A.1 above; or
  - b. The Inventor(s) and/or Author(s) deem the *Sponsored Software Invention* to have commercial potential and/or favor seeking patent protection for the *Invention*.

All *Sponsored Software Inventions* required to be disclosed to the President or designee as an *Invention*, and any *Sponsored Software Inventions* otherwise identified, shall be treated for all purposes under this policy like other *Inventions*, except as expressly provided otherwise in this Section III.

2. *Sponsored Computer Software* that is not required to be disclosed as an *Invention* under paragraph B.1 above shall be disclosed to the President or designee in accordance with such disclosure procedures as the President or designee may direct. C. Ownership.

1. Jarvis shall own all patents, copyrights and other intellectual property rights in *Sponsored Computer Software*. For the avoidance of doubt, where Jarvis determines that a patent application will not be filed for a *Sponsored Software Invention* or, if filed, a patent does not issue, *Sponsored Computer Software* will remain the property of Jarvis. Where a patent application is filed on a *Sponsored Software Invention*, Jarvis shall have a right of ownership in all associated copyrights as supporting technology. The purpose of this section of the policy is to enable utilization of *Sponsored Computer Software* in the public interest regardless of the potential for a division of ownership due to the patentable and copyrightable nature of computer software.
2. Computer programs and databases that are not included in paragraph C.1 above shall, for all purposes, be treated in accordance with the policies provided under Section II "Copyrights".

D. Release of *Sponsored Computer Software*. Where Jarvis has the right but elects not to commercialize *Sponsored Computer Software*, Jarvis may release its rights, in its sole discretion, subject to a written agreement reserving certain rights to Jarvis and signed by all individuals who have been determined to be *Inventor(s)* and *Author(s)* of the *Sponsored Computer Software*.

E. Other Applicable Policy. Sections I.E. and I.F. of this policy apply to *Sponsored Computer Software* and to *Inventors* and *Authors* of *Sponsored Computer Software* as if *Sponsored Computer Software* were a *Supported Invention*.

## Section IV. Unpatented Materials A.

### Definitions.

*Unpatented Materials (including biological materials).* Means cell lines, organisms, proteins, plasmids, DNA/RNA, chemical compounds, transgenic animals and other materials useful for research or for commercial purposes for which patent applications are not filed or, if filed, do not issue, where such materials are developed by persons covered by this policy:

1. Under or subject to agreement between Jarvis and a third party; or
2. With use of direct or indirect financial support from Jarvis, including support or funding from any outside source awarded to or administered by Jarvis; or
3. With use (other than incidental use) of space, facilities, materials or other resources provided by or through Jarvis.

*Contributors.* Means those individuals who are determined by the head of the laboratory/department or the principal investigator of a research program, as applicable, to have made a contribution to the development of the *Unpatented Materials*.

B. Ownership and Commercialization. Jarvis shall own all rights in *Unpatented Materials* and may make appropriate distribution in the public interest, including licensing or transferring *Unpatented Materials*, for research and commercial purposes. Individuals named as *Contributors* shall be entitled to a share of licensing revenues in accordance with paragraph B of Section V of this policy.

## Section V. Royalty Sharing

A. Distributable Royalties. Jarvis employs a single uniform structure for distribution of royalties to *Inventors, Authors, and Contributors* (for the purposes of this Section V, collectively, “*Creators*” and each a “*Creator*”). Jarvis will distribute *Net Royalties* received by Jarvis from the licensing or other distribution of its intellectual property or technology covered by this policy, as and to the extent provided in this policy. *Net Royalties* are calculated based on gross receipts consisting of cash and securities or other equity shares in an enterprise received by Jarvis in return for use of its intellectual property, but do not include other non-cash benefits, sponsored research funding, or other financial benefits such as gifts. *Net Royalties* equal those gross receipts that Jarvis is entitled to retain, less: (i) Jarvis’ out-of-pocket costs and fees associated with securing, maintaining and enforcing intellectual property protection such as patenting and litigation expenses, (ii) out-of-pocket costs incurred by Jarvis in the licensing of the intellectual property and (iii) any out-of-pocket expenses in making, shipping or otherwise distributing biological or other materials (including, without limitation, *Unpatented Materials*). As used herein, the term “*Creation*” shall mean any *Invention, Computer Software, copyright or Unpatented Material* as to which *Net Royalties* are to be distributed in accordance with this policy.

B. Standard Distribution Method. Except as otherwise provided in this policy, the following formula will apply to the distribution of *Net Royalties* among *Creators*, their respective research laboratories/departments and Jarvis, based on amounts received by Jarvis:

Administrative fee – 15%  
Of the remainder:  
    *Creator* personal share – 35%  
    *Creator* research share – 15%  
    *Creator* Department/laboratory share – 15%  
    *Jarvis* share – 35%

C. Alternative Distribution Methods. *Net Royalties* earned from licensing of *Creations* with multiple *Creators* will be distributed as follows:

- i. *Among multiple Inventors and/or Authors for a single patented invention or copyright:* Personal shares will be allocated among *Inventors* and/or *Authors* according to a written agreement among them or, if there is no agreement, in equal shares. Research shares, department/laboratory shares will be allocated equally where *Inventors* or *Authors* come from different laboratories/departments, regardless of the number of *Inventors/Authors* from each laboratory/department, unless otherwise agreed among all *Inventors/Authors*.
- ii. *Among multiple Contributors to a single Unpatented Material:* Personal shares will be apportioned among *Contributors* as they mutually agree in writing or, if no agreement is reached among the *Contributors*, according to an administrative determination of apportionment that shall be made by the head of the laboratory/department in which the *Unpatented Material* has been made. Research shares, department/laboratory shares will be allocated as in paragraph C.1 for patented inventions and copyrights.
- iii. *For multiple Creations licensed as a package:* First, *Net Royalties* will be allocated among the licensed *Creations* as agreed in writing among all *Creators* or, if no agreement, in equal shares among such *Creations*. In the alternative, upon request of any of the *Creators*, the President or designee will determine the relative value to the package of each of the *Creations*. The foregoing notwithstanding, where an executed license agreement assigns different values to different *Creations* licensed as a package, that value shall be the value assigned for purposes of allocating *Net Royalties* among such *Creation*. Second, the *Creator* personal share and the research, department/laboratory shares of *Net Royalties* so allocated to each of the *Creations* in the package will be allocated in accordance with paragraph C.1 or C.2, as applicable.

D. Rights of Appeal. Administrative decisions made under paragraphs C.2 and C.3 above may be appealed by the persons affected to the Intellectual Property Committee for final determination provided the appeal is made in writing to the PRESIDENT OR DESIGNEE within 45 days of such persons receiving written notification of the administrative decision.

E. Portability of Royalty Shares. Personal royalty shares will be payable to *Creators* regardless of their employment status at Jarvis or elsewhere. Research shares will not follow individuals leaving Jarvis, but will be payable to the individual's Jarvis laboratory or, if no such laboratory remains, the individual's Jarvis department. Where an individual leaves one department and/or laboratory for another at Jarvis, the departmental and/or research share will move with him or her.

## **Section VI. Intellectual Property Committee; Changes to Policy**

A. Overall Responsibility. Jarvis' Intellectual Property Committee, appointed by the President, shall be responsible for interpreting this policy and resolving questions and disputes concerning it.

From time to time, the Committee may suggest changes to this policy on its own initiative or at the request of the President or Board of Trustees.

B. Other Responsibilities. Other responsibilities of the Committee include the hearing of appeals as provided under this policy and such other duties as may be assigned from time to time by the President and Jarvis' Board of Trustees.

C. Changes to Policy. In addition to the right to make changes specifically provided elsewhere in this policy, Jarvis reserves the right to amend or modify any of the terms of this policy as it may determine from time to time. The Board of Trustees and President shall have the power to make such amendments and modifications. Any such modification or amendment shall become effective upon adoption by the Board of Trustees or as of such other time as the Board of Trustees shall specify.

## **Section VII. Miscellaneous**

A. Implementing Procedures and Documentation. The PRESIDENT OR DESIGNEE shall have responsibility for developing procedures and documentation as necessary for implementing this policy. Implementation procedures as recommended by the PRESIDENT OR DESIGNEE shall be subject to the approval of the Intellectual Property Committee.

B. Further Assurances of Covered Persons. By making use of Jarvis' facilities and/or by participating in Jarvis-administered research programs and/or activities of Jarvis that are subject to agreements with third parties, persons covered by this policy agree to assist and cooperate with Jarvis in those actions reasonably undertaken by Jarvis pursuant to this policy. All expenses related to providing assistance and cooperation shall be the responsibility of Jarvis.

C. Applicability of New Policy Provisions. For the avoidance of doubt, except as otherwise specifically provided, this policy does not apply to Inventions, Copyrights, Computer Software and/or Unpatented Materials made or developed prior to the effective date of this policy.

# APPENDICES



**APPENDIX A NOTICE OF SEX OR GENDER-BASED MISCONDUCT,  
DISCRIMINATION, OR HARASSMENT FORM**

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**Notice of Sex or Gender-based Misconduct, Discrimination, or  
Harassment**

Name \_\_\_\_\_ Date \_\_\_\_\_  
 Reported to \_\_\_\_\_ Date \_\_\_\_\_

***Directions:*** Anyone who believes that he/she has been subjected to sex or gender-based discrimination, harassment, or gender-based misconduct is encouraged to report these incidents by filling out this form and returning it to the Title IX Coordinator. Please continue your comments on the back of this sheet, if more space is needed.

1. List the individual(s) who allegedly committed the harassment, discrimination, or misconduct.  
 \_\_\_\_\_  
 \_\_\_\_\_
2. Describe the nature of your complaint (*What happened?*). Include dates, times, and as much information as possible. Continue on the back, if necessary.  
 \_\_\_\_\_  
 \_\_\_\_\_
3. List the witness(es) of this conduct or those who have knowledge of this incident.  
 \_\_\_\_\_  
 \_\_\_\_\_
4. Are there documents that contain information supporting the incident(s)?     Yes     No  
      Letters or notes  
      Emails     Texts  
      Other. Please explain. \_\_\_\_\_
5. Is there any other evidence that supports your claim?     Yes     No If yes, please explain.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
6. Have you missed any class time/work time as a result of this incident?     Yes     No If yes, please list dates and times of absences.  
 \_\_\_\_\_

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*Continue on the back of this sheet, if necessary.*

7. Have you received any counseling or medical treatment?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, please list when and where services were rendered.

\_\_\_\_\_  
\_\_\_\_\_

8. Have you previously mentioned this incident to anyone else? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, please list who and when. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

9. What do you want to happen as a result of filing this complaint? \_\_\_\_\_

10. Is there anyone else you want the College to contact regarding this case? \_\_\_\_\_ Yes \_\_\_\_\_ No If yes, please list persons. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**ACKNOWLEDGEMENT**

Jarvis Christian College takes these types of situations very seriously and will work with all parties involved to ensure their safety and remedy the situation.

To investigate this case, it will be necessary for College representatives to interview you, the alleged wrongdoer(s), and any other witnesses who may have knowledge of these allegations.

The College will notify all those involved in this investigation that it is confidential and that any unauthorized disclosures of any information concerning the investigation could result in disciplinary action, up to and including expulsion from the College or termination of employment.

I acknowledge that the information provided in this notification is true and correct to the best of my knowledge.

I am willing to cooperate fully in this investigation and provide whatever evidence the College deems relevant.

**Person Submitting this Notification:**

Printed Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Contact Information: Cell Number \_\_\_\_\_  
Email address \_\_\_\_\_  
Address (On campus) \_\_\_\_\_  
Home Address \_\_\_\_\_  
Home Phone \_\_\_\_\_

**Form Received by:**

Printed Name \_\_\_\_\_ Signature \_\_\_\_\_  
Date \_\_\_\_\_ Time \_\_\_\_\_

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**APPENDIX B HARASSMENT ACKNOWLEDGEMENT FORM**

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**Acknowledgment Notice of Receipt and Understanding of Jarvis Christian College’s Policy against Harassment in the Workplace:**

I acknowledge that I have received a copy of Jarvis Christian College’s Policy against Harassment, that I have read and understand the policy, and that by signing this acknowledgment, I agree to adhere to the policy as a condition of my employment and/or continuing employment with Jarvis Christian College.

I acknowledge that I understand how to follow the procedures set out in this policy and that if I have any questions, I will ask for clarification.

I agree to report any incident of harassment in a timely manner, and I understand that there are a number of different individuals who are authorized to take my complaint and act on it appropriately.

I further acknowledge that my failure to adhere to this policy may subject me to disciplinary action, up to and including immediate termination without advance warning.

I have reviewed this policy and have been given the opportunity to ask questions about the policy.

I know that I may file a complaint of harassment or participate in an investigation without fear of retaliation.

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Employee’s Signature

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Date

## APPENDIX C – EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM

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The *Administrative Policies and Procedures Manual* (herein, called **the Employee Handbook**) supersedes all previous employee handbooks.

I acknowledge that I have received a copy of the Jarvis Christian College Administrative Policies and Procedures Manual and that by signing this acknowledgment, I agree to adhere to these policies and procedures as a condition of my employment and/or continuing employment with Jarvis Christian College.

I understand that I am to read and become familiar with the contents of this manual. If I have any questions, I understand that I should talk with my Supervisor or the Human Resources Director.

I further understand that this manual is not intended to, nor does it create promises or representations of continued employment. Every employee has an at-will relationship with the College. This means that I am free to resign my employment at any time, just as Jarvis Christian College is free to terminate my employment, for any or no reason, with or without cause or the use of progressive discipline, at any time with or without notice.

This manual represents a summary of the more important College guidelines at the time of publication and is not intended to be all inclusive. In all instances, the benefit plan texts, trust documents and master contracts, as appropriate, are the governing documents. The Employee Handbook, personnel policies, benefit plan texts, any trust agreements, or master contracts are not employment contracts.

Apart from our policy of at-will employment and those policies required by law, Jarvis Christian College may change its policies or practices at any time without prior notice.

Further, I understand that this document will become part of my personnel file.

\_\_\_\_\_  
Employee Name (Please print)

\_\_\_\_\_  
Location/Department

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**APPENDIX D CONFLICT OF INTEREST DISCLOSURE FORM**

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**JARVIS CHRISTIAN COLLEGE CONFLICT OF INTEREST DISCLOSURE FORM**

Name: \_\_\_\_\_

Position (employee): \_\_\_\_\_

Please describe below any relationships or circumstances that you believe could contribute to a conflict of interest between

Jarvis Christian College and your personal interests, financial or otherwise:

\_\_\_\_\_ I have no conflict of interest to report.

\_\_\_\_\_ I have the following conflict of interest to report with the following vendors/businesses:

1.
2.
3.
4.
5.

6.

I hereby certify that the information set forth above is true and complete to the best of my knowledge. I have reviewed, and agree to abide by, the conflict of interest policy of Jarvis Christian College.

Signature:

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## **APPENDIX E DISCLOSURE OF MISCONDUCT POLICY ACKNOWLEDGEMENT FORM (Addendum – BOT Meeting May 31, 2013)**

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### **Purpose**

The purpose of this policy is to set forth the Jarvis Christian College policy on disclosure of misconduct and to protect individuals from retaliation in the form of an adverse employment action for disclosing what they believe evidences certain unlawful or unethical practices. This policy is applicable to all employees of the College and to applicants for jobs at the College.

### **Statement of Policy**

It is the policy of Jarvis Christian College that employees and applicants shall be free without fear of retaliation to report conduct within the College that they reasonably believe may constitute misconduct including, but not limited to, the following: wire fraud, mail fraud, bank fraud, securities fraud or questionable accounting and internal controls, auditing matters, harassment, discrimination, hostile workplace, safety and security issues, illegal or unethical business practices, wrongful termination, hate messages, cyber-bullying, faculty and staff handbook violations, violations of laws, mismanagement, waste of institutional resources, and abuse of authority. A representative of the College shall not take or refuse to take any employment action in retaliation against an employee or applicant who reports possible misconduct under this policy in good faith or who, following such disclosure, seeks a remedy provided under this policy or any law or other College policy. However, employees or applicants who knowingly file false or misleading reports, or without a reasonable belief as to truth or accuracy, will not be protected by this policy, and in the case of an employee, may be subject to disciplinary action, including termination of employment.

### **Process for Disclosure**

An employee or applicant shall disclose all relevant information regarding evidenced misconduct to the President or designee in a signed written document within ninety (90) days of the day on which he or she first knew of the misconduct.

The President or designee shall consider the disclosure and take whatever action he or she determines to be appropriate under the law and circumstances of the disclosure. The President or designee will contact the complainant within 5 business days and acknowledge the reported violation was received. The complainant will be notified about what actions will be taken. If no further action or investigation is to follow, an explanation for the decision will be given to the complainant.

Any complainant who reasonably believes they have been retaliated against in violation of this policy shall follow the same procedures as they did when they filed the original complaint. In the case of disclosure of misconduct involving the President, the disclosure shall be directed to the Chairman of the Board of Trustees. The Chairman or Board Designee shall consider the disclosure and take whatever action he or she determines to be appropriate under the law and circumstances of the disclosure.

My signature below indicates my receipt and understanding of this policy. I also verify that I have been provided with the opportunity to ask questions about the policy.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

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**APPENDIX F CONFIDENTIALITY AGREEMENT**

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Information contained in hard copy or electronic records for Jarvis Christian College (JCC) students, employees, volunteers, vendors/contractors, alumni as well as institutional financial records must be maintained in a secure and confidential manner at all times. This also applies to confidential verbal information that is discussed during the daily operation of business. Only those items that are considered public information may be released.

JCC employees are authorized access to confidential information as a condition of employment to the extent necessary to perform their duties. As an employee, student, volunteer, or vendor/contractor of JCC, you are required to protect against unauthorized access to such information, ensure the security and privacy of such information, and disclose any anticipated threats or hazards to such information.

Any questions regarding release of such information to another person should be directed to your supervisor or their designee.

Release or distribution of any confidential information outside the intended and approved use is strictly prohibited and could result in disciplinary action up to and including termination of employment or services.

I acknowledge and agree to the above statement.

\_\_\_\_\_  
Employee Name (Printed)

\_\_\_\_\_  
Employee Signature Date

**APPENDIX G—  
SUBSTANTIVE CHANGE POLICY**

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When Jarvis Christian College has a significant modification or expansion of its nature and scope a substantive change review is required. The College will notify the Southern Association



of Colleges and Schools Commission on Colleges (SACSCOC) for an appropriate review prior to the initiation of the change(s).

If the College discovers an unreported substantive change, the College will take immediate action to submit the unreported substantive change in its required format (notification letter, prospectus, etc.) to the SACSCOC President prior to formal reviews by the Commission on Colleges.

### **Definition of substantive change**

Substantive changes include the following:

- Any change in the established mission or objectives of the institution
- Any change in legal status, form of control, or ownership of the institution
- The addition of courses or programs that represent a significant departure, either in content or method of delivery, from those that were offered when the institution was last evaluated
- The addition of courses or programs of study at a degree or credential level different from that which is included in the institution's current accreditation or reaffirmation
- A change from clock hours to credit hours
- A substantial increase in the number of clock or credit hours awarded for successful completion of a program
- The establishment of an additional location geographically apart from the main campus at which the institution offers at least 50% of an educational program
- The establishment of a branch campus

- Closing a program, off-campus site, branch campus or institution
- Entering into a collaborative academic arrangement that includes only the initiation of a dual or joint academic program with another institution
- Acquiring another institution or a program or location of another institution
- Adding a permanent location at a site where the institution is conducting a teach-out program for a closed institution
- Entering into a contract by which an entity not eligible for Title IV funding offers 25% or more of one or more of the accredited institution's programs

### **Procedure for reporting substantive changes**

To establish a pattern of approval prior to the initiation of changes, or to submit an unreported substantive change, the procedure for reporting and notifying the Commission on Colleges of substantive changes follows:

- A substantive change report is initiated in the respective College Unit (academic affairs, finance and administration, institutional advancement and development, institutional effectiveness, student services) and submitted to the respective unit vice president.
  - If the change is academic in nature, the report is submitted to the Curriculum Committee for review and approval, then forwarded to the Faculty Governance for review and approval
  - If the change is non-academic in nature, it is presented directly to the Office of the President by the respective vice president
- The unit vice president submits the request to the Office of the President to be presented in the President's Executive Cabinet (PEC) for review and approval
- The Office of the President submits the substantive change request to the Board of

Trustees for review and approval

- Once approved by the Board of Trustees the request, in its required format, is submitted to the Office of the Accreditation Liaison.

The Office of the Accreditation Liaison sends the request, in its required format, to the Commission on Colleges for review and final approval.