**EMPLOYEE HANDBOOK**

**SIMMONS COLLEGE OF KENTUCKY**

**Revised 8-1-2021**

**Simmons College of Kentucky**

**Mission Statement**

Simmons College of Kentucky Is An Institution Of Biblical Higher Education Dedicated To Education People In The Urban Context Through Strong Academic And Professional Programs In Order That They Become Productive Citizens and Agents Of Change In Society**.**

WELCOME NEW EMPLOYEE.

On behalf of your colleagues and our college, I welcome you to our team of Simmons College employees. I wish you every success here.

We believe that each employee contributes directly to our growth and productivity, and we hope that you feel honored to be a member of our team.

This handbook was developed to describe some of our expectations for you and to outline the policies, programs, and benefits available to eligible employees. You should become familiar with the contents of this employee handbook as soon as possible, for it will answer many questions about your employment here at Simmons College of Kentucky. We appreciate your eagerness to serve and your cooperation with our policies and our leaders.

We trust that your work here will be challenging, enjoyable, and rewarding as you help us serve our students and fulfill our educational mission.

Yours in service,

Dr. Kevin W. Cosby

President

**SIMMONS COLLEGE OF KENTUCKY**

**EMPLOYEE POLICY MANUAL**

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**SECTION I. ORGANIZATION**

**1.1**  **Basic Guidelines, not a Contract.**

The policies contained in this manual apply to all employees of Simmons College of Kentucky. These policies do not necessarily contain all rules and regulations governing employees, for many times certain rules and procedures are passed on by custom and are so understood that they are taken for granted. Further, no handbook can anticipate every circumstance or question about policy that may arise. This manual clarifies basic guidelines by which our college operates.

Although Simmons College of Kentucky fully endorses the personnel policies and procedures set forth in this manual, nothing contained herein is intended to, nor shall it be deemed to, create a contract between Simmons College of Kentucky and any employee either with respect to rights to continued employment or for the continued provision of any benefit.

As Simmons College of Kentucky continues to grow, the need may arise and our college reserves the right to revise, supplement, or rescind any policies or portion of this handbook as it deems appropriate in its sole and absolute discretion.

However, our employment-at-will policy will not change at any time, regardless of other changes we may make in this policy manual.

**1.2 Definitions**

**A. College/Organization.** The term College or Organization refers to Simmons College of Kentucky. At times the abbreviation “Simmons” may be used to refer to the college’s full legal name.

**B. You.** The term "you" as used herein applies to all employees of Simmons College of Kentucky.

**C. We/Us.** The terms "we, us, our" refer to the College and sometimes to you and the College working together as a collective whole.

**D. Supervisor.** As used in this policy manual, the term supervisor includes first line supervisors, assistant directors, directors, department heads, deans, members of the leadership team, and all other executive officers. Each supervisor's job responsibilities may vary according to his or her individual job description.

**E. Handbook and Policy Manual.**  The term policy manual and employee handbook are used interchangeably, and both refer to the guidelines stated herein.

**1.3 Ethical Standards**

As an employee, you should always follow the highest ethical standards to which our College aspires and the laws of our land. In doing so, you will always be acting in the best interests of the College. No employee should be influenced by outside interests or relationships that jeopardize the College's or the employee's reputation and integrity.

**1.4 Responsibility for Understanding and Following These Guidelines**

All employees are provided a copy of the Employee Handbook, as well as periodic revisions or updates, and are responsible for reading and complying with procedures contained in it. By accepting continued employment with Simmons College of Kentucky, you agree to abide by the terms of this employee handbook as it now exists and is later amended.

**1.5 Chain of Authority.**

All employees work under the direction and discretion of the President of the organization. In addition, various supervisors, department heads, and other individuals have been placed in charge to help the organization run smoothly and efficiently. Wherever this policy manual mentions a department head, supervisor, or business administrator, these same levels of authority may be superseded by the President.

Supervisors are responsible for administering these policies appropriately with respect to those individuals in their immediate employ. Questions regarding the interpretation of specific guidelines or their application should be directed to the Provost, who will forward them to the President or the President’s representative.

**1.6 Outside Employment**

Employees may hold outside jobs as long as they meet the performance standards of their job with the college. All employees will be subject to the college’s scheduling demand and will be judged by the same performance standards, regardless of any existing outside work requirements.

If the college determines that an employee’s outside work interferes with performance or the ability to meet the requirements of SIMMONS as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain in our employ.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside of SIMMONS for materials produced or services rendered while performing their jobs at SIMMONS. Whether a conflict of interest is interfering with employment at SIMMONS will be determined on a case by case basis.

**1.7 Compliance with Relevant Federal and State Laws**

Where laws do apply to us, we intend to comply fully with them. We seek to follow ethical and legal principles of fairness, so that we can be upright before our fellow citizens.

**SECTION 2. HIRING**

**2.1 Application Forms**

To be hired an individual must have properly completed an Application Form for the vacancy available and must have agreed with the conditions of employment listed in this handbook. Applications for departmental positions must receive the approval of the immediate department head and the Provost. Applications for executive positions must receive the approval of the Board of Trustees.

All individuals must attest to his/her employment authorization and provide acceptable documents evidencing identity and employment verification.

SIMMONS relies on the accuracy of information contained in your employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Anyone who is found to have misrepresented, falsified, or omitted material information or data on his or her application may be excluded from further consideration for employment, or, if the person has been hired, dismissed from our employ.

**2.2 Employment Classifications**

**Full-Time Employment**

An individual working at least 34-40 hours per week is considered a full-time employee and will receive 100% of all leave benefits and will receive 100% of the health insurance benefits designated for similarly situated employees.

**Qualified Part Time Employment**

An individual working at least 28-33 hours a week will receive holiday, vacation and sick leave prorated proportionately to their work schedule.

**Non-Qualified Part-Time Employment**

An individual working less than 27 hours per week is considered a part-time employee and is not entitled to health insurance, vacation leaves of any nature, vacation pay, paid holidays, or sick leave pay, etc.

**Temporary Employment**

A temporary employee is one who is employed for a specific period, and upon completion of his/her assignment, employment automatically ceases. A temporary employee is not entitled to receive any benefits such as health insurance, vacation leave of any nature, vacation pay, paid holidays, birthday pay, or sick pay, etc.

**Per Diem or On Call**

Casual employees are those who have established an employment relationship with SIMMONS but who are assigned to work on an intermittent and/or unpredictable basis. While they receive all legally mandated benefits, such as workers’ compensation and social security, they are ineligible for SIMMONS’s other benefit programs.

**2.3 No Seniority Rights**

Longevity of employment may be one of the factors considered regarding promotion, vacation schedules, training opportunities, etc.; however, this will not be the only determining factor for the above actions. There are no seniority rights per se.

**2.4 Employment Status**

Depending on your job assignment, you will be classified either as an exempt employee (sometimes called “salaried”) or non-exempt employee (sometimes called “hourly” employees). Upon your hiring, your supervisor or department head will clarify your status, and section 14 of this manual will further explain your work schedule and timekeeping requirements.

**2.5 Access to Personnel Files**

The College maintains a personnel file on each employee. The personnel file includes such information as the employee’s job application, resume, records of training, any written performance appraisals that may be done from time to time, salary information, and other employment records.

Personnel files are the property of the college. Access to the information they contain is restricted. Generally, only supervisors and management personnel who have a legitimate reason to review information in a file can do so. The Provost and President have access to all files at any time.

Employees who wish to review their own file should contact the Human Resources Office. With reasonable advance notice, employees may review their own personnel files in our office and in the presence of an individual appointed by the College to maintain the files.

**2.6 Employment Reference Checks**

To ensure that individuals who join Simmons are well qualified and have a strong potential to be productive and successful, Simmons tries to check the employment references of all applicants.

When employees leave Simmons, they may sign a release of information form, if they wish Simmons to give out employment information to subsequent employers. Otherwise, the college will respond only to written inquires and will confirm only the dates of employment, wage rates, and position(s) held.

**2.7 Personnel Data Changes**

You are responsible for notifying us promptly of any changes in your personnel data. Your full legal name, your personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such status reports should be accurate and current at all times. Whenever your personal information changes, notify the Human Resources Office.

**SECTION 3. TERMINATION OF EMPLOYMENT**

**3.1 Resignation**

Whenever you want to end your employment, please give us two weeks’ notice in advance of your ending date so that we can make adequate provisions for your replacement. Faculty members are expected to complete each academic semester or calendar year before resigning, except for emergencies.

**3.2 Employment** **at Will**

The employee-employer relationship at Simmons College of Kentucky is an "at will" relationship. This means that either you or the College may terminate your employment at any time for any reason, with or without cause, regardless of seniority or years of service. If your services are terminated because your position has been eliminated or because of a reduction in work force, the College will give you two weeks' notice in advance of your ending date.

**3.3 Request for Review of Termination**

If you are discharged because of poor performance, disciplinary action, and other just causes, you may request a hearing before the Grievance Committee within two weeks of your discharge. If the Grievance Committee deems that you should not have been discharged or that it is in the college's best interest to continue your employment, you will be reinstated with back pay. By requesting a hearing before the Grievance Committee, you are agreeing that the decision of the Grievance Committee shall be final and unappealable and binding in any court of law of competent jurisdiction as to all claims in any way related to your employment here.

The Grievance Committee will be comprised to two college executives, directors, managers, faculty members, or staff peers who do not work in your immediate department, one of your choosing and one of your supervisor’s choosing. Those two individuals shall agree on a third committee member from any of the aforementioned groups who likewise are outside your department. You will be responsible for presenting evidence and reasons as to why you believe your termination was unfair. The committee members are not responsible to advise you on how to present your case but will look at the facts and information as presented and in light of the fact that your employment relationship is one at will. After reviewing the matter, the committee member will make the final decision. A vote by any two shall bind the committee. All terminations must be approved by the Provost, President and the HR Dept. prior to the termination taking place.

**SECTION 4. Work Related Injuries**

**4.1 Work Related Injuries**

All work-related injuries must be reported to the supervisor. The supervisor must immediately fill out an Accident Report Form, and possibly a Worker's Compensation Form.

If you file no report following an injury, we will assume that no injury occurred. Injured employees who fail to file reports may jeopardize their eligibility for various leave benefits due to such injury. The correct paperwork must be filled out and given to your immediate supervisor.

**SECTION 5: WORK SCHEDULES**

**5.1 Work Schedules**

The college offices must be open from 9:00 a.m. to 5:00 p.m. Monday through Friday. Deviations from your standard work schedule may be requested or approved by the department head, subject to the approval of the President. Your work schedule or shift may be changed as our organization’s needs change.

**5.2 Work Schedule During Semester Registration**

Before, during, and after semester registrations (currently three times a year in August, January, and May), your work schedule and work assignments are subject to change, to accommodate the special needs of student enrollment.

**5.3 Work Assignments**

All who work for the College do so because they desire to serve students and the community, and all employees should be willing to serve wherever they are needed. Whenever your work is completed, you must inform your supervisor or the personnel director (if your supervisor is absent) so that you may assist in another assignment or even in another department, which may have a heavier workload at that time. Regardless of the job you were hired for, you are expected to be willing to be cross trained to fill in for and to assist employees in other areas. We must be flexible to adjust our priorities as more urgent matters arise within our own departments and within other departments. We need to keep our vision centered on our mission as a college and not become overly attached to our individual department or program. So long as we are serving the college’s mission and purposes, it should not matter where we are assigned. Our goal should be to work to our fullest potential to use our time and talents wherever the college needs them.

**5.4 Timekeeping**

Employees will turn in weekly reports showing their actual work schedule. This is important for us to schedule coverage for important operations and to monitor productivity, work assignments, and leave benefits used. Altering, falsifying, tampering with time records, or recording time on another employee’s time record may result in disciplinary action, up to and including termination of employment.

Employees are responsible for signing their time records to certify the accuracy of all time recorded. The supervisor will review and then sign the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record. Further instructions on timekeeping are given in Section 14 of this Handbook.

**SECTION 6: ABSENCES**

You are responsible to be present at your place of employment at the regularly scheduled time and to see that adequate provisions are made for your responsibilities in case of your absence. To keep the work flowing smoothly, we have adopted the following guidelines with respect to employee absence:

**6.1 Absentee Form** **and Notification**

You must report all absences and requests for time off on an Absence Form, which can be obtained from your supervisor or from the Human Resources Office.

Employees absent for any excused reason, including vacation leave, birthdays, sick leave, personal days, as well as for any unexcused reason, are to complete an Absentee Form before their approved leave or immediately after any unexpected leave.

If you fill out an absence form and then do not take the leave you have requested, you must promptly send a written confirmation of the change. If you fail to notify the Human Resources Office of the change, you will be credited for the planned absence.

If you are unexpectedly away from work due to illness or emergency, you must call in and notify your supervisor by 8:15 a.m. or as soon thereafter as circumstances permit. If your supervisor is out for that day, you should notify the Provost’s office, so that others can plan to help cover your workload. Rather than just leaving voice messages, you should keep calling until you can talk to a person able to convey your message to the appropriate department.

**6.2 Unexcused Absences**

If you are absent outside of one of your approved leave benefits and if you have not received prior approval from your department head, your absence is unexcused.

**(1)** One unexcused absence will subject you to reprimand by your immediate supervisor.

**(2)** Two unexcused absences will subject you to discharge.

**(3)** Three no call / no shows in a row will be considered a voluntary resignation

**6.3 Tardiness**

Unexcused tardiness will subject you to a written reprimand. Excessive tardiness will subject you to discharge. Whether tardiness is excessive will depend on the degree of lateness, its frequency, history over time, and its effect on your department. In all cases, you are expected to give your employer the full amount of work for which you are paid.

**6.4 Absence Under the Family and Medical Leave Act (FMLA)**

So long as our organization employs over 50 persons at and within 75 miles of its headquarters (or is required by law to comply), Simmons College of Kentucky will comply with the Family and Medical Leave Act of 1993 ("FMLA"). A copy of the FMLA is available upon request. The highlights of the law are listed here.

Family and Medical Leave is unpaid, however FML will run concurrently with any and all paid time off programs offered by the College. Therefore, it is understood that while an employee is on FML all available but unused personal time **and** vacation time must be used.

If an eligible employee’s absence qualifies for FML then the leave will be designated as FML regardless of whether the employee wants FML.

**A. Eligibility:**

To be eligible for benefits under this law, employees must have worked at the headquarters office for at least 12 months and have worked at least 1,250 hours in the preceding twelve (12) months.

**B. Reasons for Unpaid Leave:**

If eligible, employees may take up to 12 workweeks of unpaid leave for the following reasons:

**(1) -** to give birth to and/or care for a newborn child of the employee.

**(2) -** to care for a newly placed adopted or foster son or daughter of the employee.

**(3) -** to care for a spouse, child, or parent with a serious health condition.

**(4) -** to take medical leave when the employee is unable to work because of his or her own serious health condition.

**(5)** to care for a spouse or dependent injured during active military service

**(6)** Military exigency leave (My take up to 90 days to prepare for a family member deployment)

**C. Maximum Eligibility:**

Individuals may receive up to 12 weeks off within any 12-month period from the first occurrence of a qualifying illness or condition. Both male and female employees may use accumulated sick and vacation leave toward the birth and care of their own children and for coping with the serious health conditions as listed above, but under the terms of the law, the maximum required time off is 12 weeks, including both paid and unpaid leave. All leave taken for these reasons will be designated FMLA leave. This means that all paid benefits will be taken as part of these 12 weeks off. The College uses a 12 month “look back” period for calculating available FMLA time.

If both husband and wife work for the college, a maximum of 12 weeks may be taken together for the birth and care of a newborn or adopted child or for the care of a sick parent. (Each employee is still allowed 12 weeks off individually for his or her own individual illness.)

**D. Reduced Work Schedule:**

Under some circumstances, employees may take FMLA leave intermittently, i.e. by reducing their normal weekly or daily work schedule and taking a proportionate reduction in pay. Employees who wish to use this option must discuss this with their department head and Human Resources

**E. Certification Required:**

Whenever you seek FMLA leave, you must provide medical certification from a recognized health care provider showing that such leave is necessary and that you are unable to work.

**F. Notice Required to Begin and End FMLA Leave:**

As much as is reasonably practicable, you must give notice that you intend to take leave under the provisions of FMLA. At least two weeks before you intend to return to work, you should give your supervisor notice that you intend to return to work. At the end of your FMLA leave, you will be reinstated to your same position, if it is available, or to a position of equivalent pay for which you are qualified. If you fail to report to work promptly at the end of your approved leave, the college will assume that you have resigned.

**G. Return to Work:**

Taking leave under the provisions of FMLA entitles you to return to work at your former job or another job at the same rate of pay you were making before your leave.

**H. Health Insurance While in Leave**

If enrolled in the College’s health insurance plans, the employee will be responsible for the normal health payroll deductions that are normally deducted each pay period, while he/she is on leave. If payment is not made, then make up deductions will be taken upon the employees return to work until the balance owed is paid in full.

1. **Suspension of Leave Benefits:**

While on FMLA leave, you will not accumulate additional sick leave or vacation leave for the time you are absent, but your absence will not in any way be counted against you. You will pick up where you left off, as though your absence never occurred.

**J. Restrictions for Key Employees**:

According to law, restrictions in using FMLA may be placed on those top-level managers of the college who are considered "key" employees under the FMLA. Under FMLA, an employer is not required to guarantee key employees a position, the same pay, or a position on their return to work. Details of these provisions are available upon request.

**K. Definitions:**

**1. A serious health condition** is an illness, injury, impairment, or physical or mental conditions that involves: any incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical-care facility, and any incapacity connected with such inpatient care, OR continuing treatment by a health care provider that includes incapacity due to a health condition lasting more than 3 consecutive days, pregnancy or prenatal care, chronic serious health condition, a permanent or long-term condition, multiple treatments for restorative surgery.

**2. Health care providers** include licensed doctors of medicine or osteopathy, podiatrists, dentists, psychologists, optometrists, and chiropractors, nurse practitioners, nurse-midwives, and licensed clinical social workers, Christian Science practitioners, and any other health care provider recognized by the organization's health plan's benefits' manager.

**6.5 Military Leave**

If you are drafted because of a national emergency, or if you are currently serving in the reserves, we will grant you leave without remuneration for required military leave for a period of five years. When you complete your military leave, you will be reinstated to your former position, at an equivalent rate of pay, if it still exists. Otherwise, the organization will try to offer you another position.

**6.6 Absences Due to Snow or Inclement Weather**

You are expected to arrive at work even in cases of inclement weather unless the college offices have been officially closed. If they are closed, phone calls and/or public announcements will be made to inform employees as soon as is practical. An announcement will also be put on the college operator system so that you can call in to check on the status of whether the college is closed. Unless the announcement states that college offices are closed because of inclement weather, you should assume that college offices are open.

If the offices are open and you cannot get to work due to inclement weather where you reside, or if your children are out of school due to inclement weather and you lack child care, you may use any of the current year's allotment of personal leave, sick leave, or vacation leave for your day's absence. If no leave is available, you will work out an alternate work schedule with your supervisor or be absent without pay, if you are a non-exempt employee.

**6.7 General Leave of Absence**

Sometimes employees want to take additional time off without pay for special situations. Generally, this is not allowed. Before we agree for you to take leave without pay, you must have exhausted all your vacation and sick leave benefits. Employees may not take several days of unpaid leave while saving their vacation days for later. All requests for leave without pay must be approved by the Provost, in consultation with the President. Employees must have the recommendations of their respective supervisors, stating that their leave will not disrupt or impede the workflow of their specific area, or that the employee has made adequate arrangements to get their work assignments done.

\*\*Please refer to the General Leave of Absence policy on the Employee Portal

**SECTION 7: PAID LEAVE BENEFITS**

The College has developed the following policies to assist you with necessary absences and vacations and to facilitate your return to work as quickly as possible.

**7.1 Paid Sick Leave Benefits**

Regular full-time exempt and hourly, qualified part time exempt, and qualified part time hourly employees are allowed a maximum of 10 paid days for illness per year.

**Note:** The sick leave here is generous to help employees in cases of serious illness so that they will be able to continue to draw a paycheck. Sick leave is only to be used for illness and not by employees who just desire to rest or take an extra day of vacation.

**A.** To receive compensation for absences for four or more consecutive days, you must submit a doctor's certificate of disability or equivalent doctor certification.

**B.** In case of serious illness requiring prolonged absence, you are required to notify your department head or superior in writing, within five days of the probable leave, so that sick leave may be arranged and others scheduled to cover your work load.

**C.** Simmons College of Kentucky is not required to pay employees for absences longer than their accumulated sick leave. Whether you receive sick leave without pay above and beyond what is required under the Family Medical Leave Act is totally within the discretion of the organization.

**D.** If you take sick leave the day before or the day after your vacation, you must have a doctor's certificate to verify that you were ill and not just extending your vacation or resting up from your trip. Failure to provide a doctor’s certificate will result in your absence being considered unexcused.

**E.** Sick Leave is prorated for new employees. Sick days for new employees are rated at one day a month until the end of the 90-day trial period; seven sick days shall then remain for the rest of their first year.

**7.2 Jury Duty**

If you work at least 30 hours or more and you receive a summons for jury duty, you are eligible for jury duty pay. You are expected to work as much of your regularly scheduled shift as possible, and you may be required to work after hours or on a weekend to fulfill your work assignments. Employees who are summoned for jury duty will receive the difference between their jury duty pay and their regular pay for up to two full weeks or 10 working days. Employees who volunteer for jury duty are not eligible for paid leave under this policy. (Employees who are subpoenaed to serve as witnesses in any type of litigation or administrative hearing must use their personal leave, as stated below.)

**7.3 Bereavement Leave**

All regular full-time and qualified part time employees are eligible for bereavement pay in the event of a death in the immediate family. Immediate family is defined as a parent (in-laws, loco-parentis), a child (step or grand), spouse/domestic partners, grandparents (in-laws) or a sibling (in-laws). Bereavement pay will be provided for three(3) working days. Upon the approval of your Department head and Human Resources, you may use accumulated vacation leave for up to an additional three days of bereavement leave, and for relatives not mentioned above.

**7.4 Paid Holidays**

In addition to their earned vacation, regular full-time and three-quarters time employees are entitled to pay for the following holidays:

1. New Year's Day (Included in the semester break)
2. Martin Luther King, Jr.

**C.** Good Friday

**D.** Memorial Day

**E**. Juneteenth

**F.** Independence Day

**G** Labor Day

**H** Thanksgiving – Wednesday through Friday

**I.** Christmas Eve (included in the semester break)

**J.** Christmas Day (included in the semester break)

To receive holiday pay employees must work their last scheduled day before the holiday and the first scheduled day after the holiday.

If the holiday falls on a Saturday, Simmons will observe the holiday on Friday, if the holiday falls on Sunday, it will be observed on Monday.

**7.5 Vacation Leave**

Vacation pay is granted to eligible employees based on status (full time or qualified part time) and length of service. Employees in their first year of employment will have vacation time and sick time prorated based on their date of hire. The College’s vacation year is from July 1st thru June 30th.

1. Each full time and qualified part time employee will receive 10 days
2. Vacation is “use it or lose it”. Unused vacation cannot be rolled into the new year and is forfeited if not used.

**C.** Employees must take their vacations and may not work during vacations for additional compensation. Employees may be compensated for their vacation time or allowed to carry over their vacation leave from one year to the next only if such provisions are mandated by the workload of the college and are approved by the Provost.

**D.** Ordinarily vacation leave will not be granted during peak periods such as the beginning of the semester because of the importance of student registration. The timing of vacation leave is subject to the approval of the immediate supervisor, department head, and the Provost.

**E.** Before leaving for vacation, you are responsible for negotiating with your superiors and other employees to see that your work responsibilities are covered or can be made up when you return to work. You cannot take vacation leave at a time that would leave a vital function necessary to production or the overall ministries undone. Supervisors and co-workers are expected to work together to help each other find coverage for an employee's absence or vacation.

**F.** Vacation and sick time is pro-rated during the employees first year of employment and is based on the actual hire date.

**7.6** **Mandatory December Vacation**

Simmons College is closed for two weeks in December at the conclusion of the fall semester. Typically, the College is closed the week before Christmas and the after Christmas with work resuming the first workday following January 1.

Part time hourly employees are not paid for the shut down and will be told this at hire.

This vacation policy does not include employees who are responsible for maintenance, housekeeping, and local college functions at any college location, for the college grounds and facilities must be maintained. If employees in housekeeping, maintenance, and the local college office wish to take off during this time and to the extent that adequate coverage for these functions can be maintained, supervisors will work with employees individually to try to allow employees to take turns taking off this week.

**SECTION 8: WAGES, WITHHOLDING, AND INSURANCE**

**8.1 Paydays and Methods of Payment**

Payroll checks will be deposited on the 15th and 30th each month.

**8.2 Payroll Deductions**

By law Simmons College of Kentucky is required to deduct, where applicable, federal, state, and local Withholding Taxes, Social Security Taxes for employees who are not hired as ministers, and garnishments from an employee's pay. In addition, deductions for group insurance and other benefits or options that become available will be made when an employee so authorizes.

**8.3 Salary Confidentiality**

Salaries of employees are confidential and are not to be discussed with other employees at any time, on or off college property. Discussion of salary among employees may result in disciplinary action up to and including termination. Employees are always encouraged to do whatever is in their power to better themselves, and if they need better economic remuneration, they should seek those sources of employment more likely to promote their financial success.

**8.4 Group Health Insurance**

Simmons College of Kentucky tries to maintain group health coverage for its employees. Presently, each employee's individual health insurance premium is paid as an employee benefit. At their own expense, employees may purchase additional coverage for their family members. This benefit is subject to change, as the rising cost of health insurance may require modifications in the extent and type of benefits offered. All benefits offered are available to all regular employees, regardless of their age, who work at least 34 or more hours per week.

Benefits, if elected, are effective on the date of hire. Changes to your benefits may only take place during Open Enrollment, currently held in the fall, or with a qualifying event.

Qualifying events are:

* + Marriage
  + Divorce
  + Death
  + Birth of a child, or a child placed with you through adoption or foster care
  + Child aging out of the plan
  + A significant change in a spouse’s employment

**8.5 Life Insurance**

At your request and cost, you may purchase term life insurance coverage through the college's group health plan according to the limits then in effect for similarly situated employees.

**8.6 Discontinuation of Group Insurance After Termination.**

Because Simmons College of Kentucky is a non-profit, organization, it is not subject to the terms of certain federal laws, such as ERISA or COBRA, that govern other employers. Consequently, the college cannot promise to allow former employees to remain on its group health insurance policies. Former employees may contact the college’s group health carrier to make provisions for allowing them to convert their group coverage to an individual plan, or elect coverage through the state exchange.

**8.7 Worker's Compensation**

Employees are entitled by law to worker's compensation. Whenever an employee is hurt on the job, a written report must be submitted immediately to the supervisor. It is important to report any incident where an employee may have been injured or perceives himself injured to promote further investigation and to conduct appropriate remedial and preventive measures. If no written report is filed, we must assume that no injury occurred. Failure to report an injury may jeopardize your ability to obtain benefits.

**SECTION 9. COLLEGE PROPERTY**

**9.1 Use of College Property**

As an employee, you are expected to exercise due care in the use of college property and to use college property only for authorized purposes. Negligence in the care and use of company property may be considered cause for suspension and/or dismissal. College property includes not only the college facilities, equipment, supplies and materials, but also the college time for which you are paid.

**9.2 Unauthorized Removal of College Property**

Unauthorized removal of company property from the premises or its conversion to personal use will be considered cause for suspension and/or dismissal and may result in legal action, both criminal and civil.

**9.4 College Time/Telephone Calls**

Both legally and morally, the time for which you are paid belongs to your employer. Therefore, we ask you to limit personal calls to emergencies and during working hours not to transact personal business, voluntary community service, or other services for which you are not specifically hired. You may return calls during your lunch and afternoon breaks.

With new technology available through new phone systems, you should know that the time you spend on the phone may be monitored and recorded in order to help us ascertain whether you are making efficient use of your time and whether your job requires significant phone contact.

Employees will be required to reimburse the college for any charges resulting from their personal use of the telephone.

**9.5 College Stationery**

College stationery may not be used for anyone's personal business, personal recommendations, or personal expressions of opinion without express authorization from the Provost.

It is a fundamental rule of business ethics that by using an organization's stationery with its logo, the employee (whether leader, faculty, secretary, or janitor) is suggesting to third parties that he has the organization's endorsement for his actions or that he is acting on behalf of the organization. An agent may not invoke the authority of her principal unless she is acting within the scope of authority already granted to her or has express authority to do so.

**9.6 Employees Making Personal Copies on Copiers**

If you need to make personal copies on any photocopy machine, you may do so IF you pay the cost of those copies and if the number of copies is kept to a reasonable amount. The rates will be established from time to time according to the costs of acquiring and maintaining the machines. If you need to run a large amount of copies, say for a civic or school project, you should negotiate that with your supervisor. Obviously, high volumes could subject the college equipment to excessive wear and tear.

**9.7 Safeguarding Materials and Common Tools**

All employees are to be responsible for their own areas, securing all pertinent information and anything that the college management deems as private and important.

**A. Secretaries**

Access to electronic materials and personal letters must be locked away where visitors or janitorial staff cannot see them. All correspondence, educational materials, and college resources should be secured.

**B. Telephone Numbers**

Except for interoffice communications or to authorized representatives of the college, no telephone numbers of directors, employees, or students are to be given out without permission from the Provost. In such cases, advise the caller to use the local phone company’s Directory Assistance, or when appropriate, to purchase a local college directory.

**C. Company Tools**

Whenever employees are issued company tools or property for use in their jobs, they will be responsible for not losing or abusing them. Except for reasonable wear and tear, if employees lose their tools, they will be responsible for paying for the cost of replacing them.

**9.7 College Keys and Master Keys**

All employees receiving keys to college property must sign a key agreement form, as shown at the end of this manual, identifying the keys they have and promising to safeguard the trust of the key and the property it unlocks.

**9.8 Safeguarding Confidential Material**

All employees are expected to treat all college materials, data, verbal and written communications, as confidential, unless matters are clearly announced to all. Because of the high volume of confidential materials handled by various college offices, all employees are expected to treat as confidential all memos, letters, correspondence, financial data, or other materials they may inadvertently see lying on desks, on fax machines, on the floor, in the garbage, or in other places. While those immediately responsible for such communication should keep such material out of sight, sometimes items are misplaced or inadvertently left lying on desks. Faxes may be sent during the evening and be left out in plain view.

Anyone coming upon such an item (that is not part of their usual responsibility) should AVOID reading it. Items on desks or cabinets should be left where they were. Items on the floor or at other places where they were apparently misplaced should be placed on the nearest desk with a note on top, alerting the appropriate person where it was found. Under no circumstances should you repeat to other employees, family members, or anyone else what you may have inadvertently seen or overheard. If you feel you need to discuss something confidential that you found or that you overheard, you should direct your inquiries to the Provost's office.

**9.10 Visitors in the Workplace**

To provide for the safety and security of employees and the facilities here at Simmons College of Kentucky, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

Because of safety and security reasons, family and friends of employees are discouraged from visiting. In cases of emergency, employees will be called to meet any visitor outside their work area. Employees are responsible for the conduct and safety of their visitors.

Employees are prohibited from bringing their children to work during work hours. Daycare/babysitting issues are not an exception to bring children to work. Employees should have back-up plans in place should a daycare or babysitting issue arise.

**9.11 Visitors on College Grounds**

Most times when there are special activities on the college grounds during the day, you will know about them and be able to recognize visitors who are going to a special function. At other times, however, when no official activities are occurring, some individuals, not really interested in participating with the college, may come on the college grounds to snoop around.

If you see an unauthorized, unknown, or suspicious individual on the college premises, you should immediately notify your supervisor, or if necessary direct the individual to the reception area. If you see anyone unusual or suspicious driving around the premises, take down their license number first (before you tell your supervisor). If you happen to encounter strangers on the college grounds, ask if you can help them or direct them to where they need to be. Then, if you send them down to another building, call that office and tell them someone is coming. We want to be courteous and welcoming to visitors, but we also must be mindful about safety and security of our employees and property. Here, it is better to err on the side of caution.

**9.12 Workplace Monitoring**

The management may conduct workplace monitoring to ensure quality control, employee safety, security, and customer or member satisfaction.

**Computers furnished to employees are the property of SIMMONS. As such, computer usage and files maybe monitored or accessed.**

SIMMONS may conduct video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violations.

Because we are sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

**9.13 TECHNOLOGY PROTECTION**

**A. BACKGROUND**

Simmons College of Kentucky is developing its use of computer technology and electronic media to facilitate workflow and to assist our employees in carrying out college business. Our phones, facsimile machines, computers, and other electronic communications media are vital to the success of our programs. SIMMONS is concerned that they be properly protected and used only for college business. Also, it is important to understand the confidential nature and restrictions on the use of computer software and data stored in the college's computers and manual files. The following policies are designed to apply traditional rules of fairness, morality, and professionalism. Sometimes, people do not understand that electronic media are governed by the same rules and policies as paper media.

**B. POLICY:**

The use of college communications and computer technology, including e-mail, Internet, phones, facsimile machines, computers, and other electronic communications media, for personal matters or for any purpose not related to the business of the college is strictly prohibited. Also, all college data and information are confidential, and employees are not to copy, divulge, or distribute such information, except to authorized individuals. A violation of this policy will result in discipline up to and including termination and may also result in civil and criminal penalties.

**Employees should have no expectation of privacy in connection with the entry, creation, transmission, receipt, or storage of information via the College’s Technology Resources or the Internet.**

Employees consent to Simmons right to monitor its Technology Resources.

Please understand that these rules protect not only the college, but also you, the employee. Individual employees are sometimes included in lawsuits, and your strict adherence to these rules will keep both you and the college free from liability.

**C. E-MAIL / INTERNET**

All electronic mail systems including supporting hardware are considered college property. Additionally, all messages composed, sent orreceived on electronic mail systems, including the Internet, are and remain the property of the college. **Use of electronic mail systems and access to the Internet are reserved solely for the conduct of college business and are not for personal use.**

**D. IMPROPER USES OF E-MAIL AND INTERNET**

The College's internal and external electronic mail systems may not be used to solicit or proselytize for commercial ventures, political causes, outside organizations, or other non-job-related solicitations. In addition, the college's electronic media are not to be used to create or receive any offensive, morally degrading, or disruptive messages. Among those that are considered offensive are messages that contain sexual implications, profanity, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, religious or political beliefs, national origin, disability status, or sexual orientation.

The above statement is not meant to apply to personal student or employee counseling communication that may help individuals address personal problems, moral standards, and sensitive issues, but this policy refers to all other types of communications. Unless you are counseling someone directly, and you are hired to do employee or student counseling, however, you should not be making any references to these matters through the college facilities. This means, among other things, that you must save your political and personal humor and your personal opinions for a non-college time and place.

Derogatory remarks and put down humor can result in lawsuits for sexual harassment or for slander. Repeating a false statement about someone (even if innocently made) can create liability for slander. Repeating information shared under the college's umbrella of confidentiality can absolutely destroy the college's credibility and ability to administer its programs. Given the demands of our programs and our limited resources, none of us has time to be joking or making non-college related communications on college time and on the college grounds.

**E. UPLOADING AND DOWNLOADING SOFTWARE** **ETC. ON THE INTERNET**

Unless prior authorization is received, electronic media owned and/or furnished by the college shall not be used to send (upload) or receive (download) copyrighted materials, confidential matters of SIMMONS, proprietary financial information of the college, or other materials not for official college business.

No executable software may be uploaded or downloaded over the Internet or by modem without prior approval from the computer technology supervisor. Failure to abide by these policies can result in viruses being introduced into the system, which can cause computers to crash and can subject the employee to lawsuits from copyright infringement, in addition to employee discipline.

**F. ACCESS TO OTHER EMPLOYEES' ELECTRONIC AND OTHER FILES**

Employees should not attempt to gain, without authorization and a need to know, computer or manual access to co-workers' files or to any other data or information that is not needed for the performance oftheir duties and responsibilities.

The confidentiality of any message should not be assumed. Even when a message is erased, it may be possible to retrieve and read that message.

Please remember that the college has the right to retrieve and read any electronic mail messages, but all employees must treat as confidential all electronic messages and all other messages (including discarded writings), and such messages should be accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Employees are not authorized to retrieve or read any other written or voice messages that are not sent to them. Any exception to this policy must receive prior approval by the Provost.

This means that employees should not root through trash or discarded items, even for innocent purposes, such as collecting stamps or soda cans.

Anyemployee who discovers a violation of this policy must promptly notify their supervisor and/or a member of the computer technology team.

**G. MONITORING OF WORKFLOW, PERFORMANCE, AND EMAIL**

Workflow and the performance of employees may be monitored by the college management via software that allows access from one computer into another to view current activity as well as files. Please understand that your supervisor and all management above you in your chain of command have the right to access your workspace, your files, and your electronic media. Do NOT expect to keep personal, private information at work without special authorization. **You have no expectation of privacy concerning any electronic communications that you initiate or receive through the college’s electronic systems.**

**H. RESPECTING AND PROTECTING SECURITY CLEARANCE**

As new college management software is implemented, some data bases may allow free access (such as college members' names and addresses) and other data bases may be restricted. Each department and employee will be notified as to his or her level of access. Any attempt to use another's password to gain access to data beyond one's level of clearance will be viewed as a violation of college policy and will be grounds for termination of employment (as well as other civil and criminal penalties). Whenever an employee knows of someone's attempts to gain access beyond their clearance level, or knows of a breach in confidentiality, he or she is expected to report it immediately to the Provost. Knowing of violations but failing to report them may be deemed aiding and abetting the violation and also be grounds for discipline, including termination.

**I**. **COMPUTER EQUIPMENT**

College computers should not be used for personal correspondence or to conduct personal business.

No updates or modifications to college owned equipment should be made without prior authorization from the Computer Resource Team, which works under the direction of the Leadership Team. Allcollege owned hardware should remain on college premises, unless authorization to remove such is obtained from the Provost and a written removal form completed.

**J.** **SOFTWARE**

Only college developed or approved and licensed software may be used on college computer equipment. The utilization of any software without prior approval of the Computer Resource Team is prohibited.

**COPYING, UNAUTHORIZED ALTERATION, OR DESTRUCTION OF COLLEGE SOFTWARE**

Anyone caught making, acquiring, using, or distributing unauthorized copies of college owned, college developed, or commercial software will be disciplined up to and including termination.

The college licenses the use of some of its computer software from outside commercial sources and unless authorized by the software developer, does not have the right to reproduce it.

According to copyright laws, illegal reproduction of software can subject one to civil damages of several thousand dollars and criminal penalties, including fines and imprisonment.

Willful alternation or destruction of college information or software may also result in civil and criminal penalties and subject one to employee discipline.

**K. EXCEPTIONS FOR DE MINIMUS USE**

It’s understood that occasionally employees may need to send an email for personal reasons on their lunch or personal breaks. For such reasons, employees are encouraged to use their private web-based mail. *Employees must understand, however, that they have no expectation of privacy for emails sent through the college electronic system, and as such their emails may be viewed by supervisors should the need arise.*

**SECTION 10. BEHAVIOR OF EMPLOYEES**

**10.1 Professional Standards of Behavior**

While on the job, employees are expected to exemplify good standards of common courtesy and professionalism and to protect the interests and safety of all employees and the organization. Employment with SIMMONS is at the mutual consent of the college and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

**\*\*It is clearly understood that the possession of any weapon or incendiary or explosive device is strictly forbidden. This includes persons with concealed carry permits.\*\***

The following is a partial listing of negative behaviors that will subject an employee to immediate dismissal, according to the discretion of management.

**A.** The use of profanity or abusive language.

**B.** Insubordination or refusal by an employee to follow higher management's instructions concerning a job-related matter.

**C.** Fighting, verbal assault on fellow employees or any form of sexual harassment toward another employee.

**D.** Threatening, intimidating, or insulting upper management, supervisors, or fellow workers.

**E.** A negative attitude toward the job, fellow worker, or management.

**F.** Falsifying or altering any company record or report.

**G.** Violation of company's policies.

**H.** Lying and/or stealing.

**I.** Any other hostile or unethical behavior.

**J.** Leaving one's post of duty without authorization or without reporting one's absence. Failure to report accurately one's absence from work, whether for sick leave, vacation leave, or other leave.

**K.** Inappropriate removal or possession of property.

**L.** Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment, and smoking in any prohibited area.

**M.** Boisterous or disruptive activity in the workplace.

**N.** Negligence or improper conduct leading to damage of college property.

**O.** Violation of safety or health rules.

**P.** Excessive absenteeism or any absence without notice or prompt reporting.

**Q.** Unauthorized use of telephones, mail system, or other employer-owned equipment.

**R.** Unauthorized disclosure of confidential information.

**10.2 Sexual Harassment**

Sexual harassment violates common decency and the laws of our state and nation. It will not be tolerated. Sexual harassment involves:

a. making unwelcome sexual advances or requests for sexual favors, or other verbal or physical conduct of a sexual nature as a condition of employment;

b. making submission to or rejection of such conduct the basis for employment decisions (quid pro quo); or

c. creating an intimidating, offensive, or hostile working environment by such conduct.

If you believe you have been the subject of sexual harassment or if you have witnessed sexual harassment, you should immediately report the incident to your immediate supervisor. If your immediate supervisor is the person involved, you should notify the department head or your supervisor’s superior. If your department head is the one involved, then you should notify the college's Title IX Coordinator. The supervisor receiving notification is to notify immediately the Human Resources Manager and the college's legal counsel. An investigation will be made of the complaint, and if there is a dispute as to the facts, the parties shall submit the matter to the Grievance Committee.

All employees are to refrain from making off-color innuendoes, bathroom jokes, or sexually suggestive remarks, not only because these are unprofessional but also because such remarks could be found to create a hostile work environment and hence give rise to claims of sexual harassment. Any employee found by the organization to have sexually harassed another employee will be subject to disciplinary sanctions, including termination.

**10.3 Disciplinary Procedures**

Any employee found to be in breach of the organization's rules may be dismissed immediately. Since all employee-employer relationships are terminable at will, no notice or severance pay is necessary for such dismissal. At other times, the organization may in its sole discretion adopt less severe disciplinary procedures or use a progressive system of discipline.

**A.** If an employee is not meeting the appropriate standards of behavior or job performance, yet management believes the employee has potential to contribute to the organization, the employee's superior may meet with the employee to discuss the matter and inform the employee of the nature of the problem and the action necessary to correct it.

**B.** If an employee continues to misbehave or perform poorly, and depending on the severity of the offense, management in its discretion may suspend the employee for one day without pay, suspend the employee for one week without pay for a second occurrence, or terminate the employee.

The use of progressive discipline in some instances does not prevent management from instituting the severest penalties in other instances.

**10.4** **Radios or Electronic Players** **During Working Hours**

Employees are not to have radios or electronic players playing during working hours. This creates an unprofessional atmosphere and distracts you from concentrating on your duties. Even if you are a janitor and want to “listen while your sweep,” if you have headphones plugged in, you will be distracted and less able to observe conditions you would otherwise notice.

**10.5 Smoke-Free and Drug-Free Environment**

To preserve the safety and health of all employees, facilities are smoke-free environments, except in designated smoking areas. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is absolutely prohibited in the workplace. And except for prescription drugs, prescribed by one's own physician, no use of alcohol or of any controlled substance is permitted anywhere on college grounds or facilities.

* 1. **Non-discrimination based on race, ethnic origin, gender, gender orientation, and age.**

Simmons College of Kentucky does not discriminate against or show partiality in its programs, employment, and policies, based on age, race, ethnic origin, gender, or sexual orientation. SIMMONS encourages its employees and members to show respect for all people. Employees are expected not to gossip about, joke about, and otherwise participate in conversations that belittle and demean other people, and especially to avoid any appearance of discrimination because of one’s age, gender, race, sexual orientation, skin color, or ethnic background.

**10.7 Social Media Behavior**

Simmons College of Kentucky encourages employees to take advantage of opportunities to contribute to or build personal websites, blogs, social networks, message boards, virtual worlds, and other kinds of social media positively. We encourage networking and forums for idea exchange.

As an employee of Simmons, however, whether you intend to or not, you will often be a representative of our organization. That means that while you may view your online presence as a personal project, many readers will associate you and the views you express with us. Considering that, we ask that you observe the guidelines outlined below.

Please keep in mind that these guidelines will continue to evolve as new social networking technologies emerge. Check back periodically to ensure that you are up to date. If you have questions, please contact Human Resources.

**Notify your supervisor:**

If you have a personal website or blog or are considering creating one, please discuss this with your supervisor. If you have any questions, feel free to contact Human Resources.

**Include a disclaimer:**

Include this or a similar statement on your blog home page or in a prominent location on your social media site: *The posts on this site are my own personal opinions. They are not read or approved by Simmons College of Kentucky and do not necessarily represent the views and opinions of Simmons.*

**Maintain confidentiality:**

Ask permission before reporting on conversations or meetings that are meant to be private or for internal use only. Do not disclose any information, pictures, or videos that are confidential or proprietary to Simmons. This includes information that will become public but has not yet been announced or posted. The college has a strict confidentiality policy (stated elsewhere in this manual) and disclosure of confidential information will expose you to disciplinary sanctions and legal action.

**Social Media Guidelines**

**Introduction:**

All Simmons environment names, copyrights, logos, and trademarks are the property of Simmons and may not be used without our written permission.

You may embed or link Simmons-owned video, graphics, or other materials, including program or line-cut video from programs or events, to your site if they have been posted publically by Simmons. In all cases, Simmons should be credited for the materials and the credit should include *© <year created> Simmons College of Kentucky Inc.* and the speaker/author. Otherwise, Simmons-owned material should not be posted on your site.

You may use up to 250 words of Simmons print media (unedited and within your own commentary or with other quotes on a page) from any published Simmons work. Simmons should be credited for the material and the credit should include *© <year created> Simmons College of Kentucky,* and the author.

Please do not post any content that is the property of another individual or company unless you have written permission or are sure that the use of the material is legally permitted. This is your responsibility; we cannot provide you with legal advice regarding copyrights.

**Use good judgment:**

Remember that what you write is public. You should always assume that it will be read by your boss, your co-workers, college volunteers, students, other community leaders, the news media, and an attorney for the person who doesnʼt like you. Ask yourself if you are comfortable with all of these people reading what you plan to post, or if you would like your statements posted on the 6:00 p.m. news or read before a judge and jury in a court of law.

What you write is your responsibility and you are legally responsible for your comments. Hasty comments, trolling, put-downs can easily give way to lawsuits over defamation and unleash hateful retaliation by third parties against the object of your ire. Words have consequences and take on a life of their own. What you write, even if retracted, is archived and can be with you longer than you might expect.

Write as yourself. Use your real name. If you choose to identify yourself as an employee of Simmons or to discuss anything related to the organization, be clear about your role.

Be accurate in what you write and ensure that you have checked all the facts about your subject. If you make a mistake, admit it, and be quick to correct it.

Be careful that what you write would not impair your ability to work with your work teams or future employers. Frustrations are best expressed in person. Sarcasm does not usually translate well, so be careful how you use humor.

Respect your audience. Be thoughtful. Don’t refer to volunteers, attendees, or vendors by name without permission. Don’t post pictures of others without permission. Never use ethnic slurs, personal insults, obscenity, or engage in any conversation that would not be acceptable in our workplace.

Choose your topics wisely. There are some ideas that are best discussed in a personal conversation rather than a public forum. These might include political views and the college’s stance or policy on certain topics.

If your online behavior becomes public and shows moral turpitude, cruelty, bullying, or illegal behavior that calls the reputation of the college into disrepute, we reserve the right to impose disciplinary sanctions, even to the point of termination, depending on the situation.

**Refer press inquiries:**

Your posts may generate media coverage. If a member of the media contacts you about a Simmons-related post or requests information of any kind about Simmons, contact our public relations director or our Provost for direction on how to respond.

**Advertise wisely:**

Should you choose to advertise on your site, to the extent you have control, ensure that the ads are consistent with your values and the reputation of a respected professional in the community.

**SECTION 11. EMPLOYEE DRESS CODE**

The following dress code applies to all employees of Simmons College of Kentucky

**11.1 Cleanliness and Professionalism**

All employees are always required to stay clean and well-groomed. They should practice good personal hygiene for the safety and comfort of themselves and those around them. Employees represent the organization when on the job, regardless of which job they hold; therefore, their appearance should always be appropriate to their position and reputation of the college and should observe common standards of modesty.

**11.2 Shoes**

For safety reasons, all employees in maintenance, housekeeping, and production work should wear regular shoes with closed toes and backs. While employees in these positions may not wear sandals, they may wear athletic shoes, work boots, or other heavy shoes that provide comfort and support. Each department may specify further requirements. Women in administrative office positions may wear dress sandals, so long as they comply with a professional, workplace image. For all personnel, sock-shoes, house shoes, or flip-flops are inappropriate, as they provide inadequate protection for the foot and create an unprofessional appearance.

**SECTION 12. DEPARTMENTAL INFORMATION**

**12.1 Gifts**

When a supervisor or employee feels the college should send a gift to someone, they must inform the President’s office, which will make an appropriate response.

**12.3 Gift Certificates (Graduation/Wedding/Other approved occasion)**

When the college sends a gift, one special gift certificate will be sent from the President’s office, which the executives will sign, rather than having each person or department signing and sending a separate gift. This does not restrict, however, individuals from giving gifts on their own because of their own personal friendships.

**12.4 Flowers/Gifts**

No flowers, or gifts for any occasion, are to be sent by any department head, college department, or employee, on behalf of the college, without the authorization of the President.

**12.5 Christmas Cards**

No Christmas cards will be sent on behalf of the college by any department, department head, or employee. This will be taken care of by the President, who may delegate such functions to various offices.

**SECTION 13. IMPROVEMENT OF EMPLOYEE PERFORMANCE**

**13.1 Employee Performance Appraisals**

Employee performance appraisals will be conducted periodically to clarify performance standards, to identify areas for improvement, and to recognize outstanding work done.

**13.2 Employee In-Service Training.**

The college may conduct seminars and training programs for its employees to help renew personal commitment to individual growth and productivity, to introduce new technology and procedures to be used in the workplace, and to help employees develop additional personal and work-related skills. When a seminar is scheduled that includes your department or work assignment area, you are expected to attend.

**SECTION 14. POLICIES FOR NON-EXEMPT (HOURLY) EMPLOYEES**

If your position is classified as a non-exempt position, the following policies apply.

**14.1 Eligibility for Overtime Pay**

If you are classified as a non-exempt employee, we will pay you overtime pay for hours worked over 40 hours within a seven-day period. Absolutely no one may work overtime without approval from their supervisor and the Provost.

**14.2 Workday** **for Hourly Employees**

Most office employees work from 9:00 a.m. through 5:00 p.m. For those employees on this schedule, there is a 15-minute mandatory break in the morning and a 15-minute break in the afternoon. Lunch is from 12:00 - 12:30 p.m. unless otherwise approved by your supervisor. With this schedule, hourly employees are paid for 7.50 hours.

**14.3 Use of Leave Benefits.**

Non-exempt employees may take vacation leave in 2 hour or more increments.

You are encouraged to schedule doctor, dental, or other medical appointments outside of working times; however, when necessary you may request permission from your supervisor to leave work for the necessary appointment. An absentee form should be completed, and a portion of your workday allocated to your available sick leave.

If you become ill during working hours, you should request permission from your supervisor or to leave. If the request is granted, the remaining portion of the day will be counted toward your available sick leave, and an absentee report should be completed.

If illness related absences are minimal, usually less than an hour, then with your supervisor’s permission and so long as it doesn’t disrupt your department’s work schedule, you may make up the missed time during the rest of the week, so that you have your scheduled weekly hours in by the end of the week. In so doing, you don’t have to use up your paid sick leave. This applies only if it is helpful to your supervisor for you to make up the time. Certain jobs, for instance, cannot function outside the regularly scheduled work time.

**14.4 Computation of Overtime Pay**

You may not work over 40 hours in one week unless your supervisor has asked you to do so.

For the purpose of calculating overtime pay, the seven-day period runs from Wednesday through Tuesday.

If you are asked to work extra at one time, you may have your hours adjusted later within that 7-day period, so that you do not exceed 40 hours of work. Sometimes, our employees must work weekends, due to special activities at the college. If, for instance, you are asked to work extra on Saturday, then your supervisor may have you take off Monday or Tuesday, so that within the seven day period you do not exceed 40 hours of work.

For the purpose of computing your overtime pay, the following types of leave will not be counted as hours worked toward your 40-hour work week: vacation, paid sick leave and unpaid leave.

Overtime is calculated on actual hours worked. Holidays, vacation, sick time, bereavement, etc. are not considered actual hours and are not counted towards overtime.

If you are called in to work during your vacation, the vacation time already taken will be considered days worked, but the remainder of your vacation will be deferred until a later time.

Your vacation allowance is based on your regularly scheduled workweek and excludes overtime pay.

**14.5 Timekeeping**

You are responsible for recording your time worked. This is necessary to calculate your pay and benefits. Time worked is all the time spent on the job performing assigned duties.

You must record the time you begin and end your work, as well as the beginning and ending time of each meal period. You should record the beginning and ending time of any split shift or departure from work for personal reasons.

You are responsible for signing your time records to certify the accuracy of all time recorded. Your supervisor will review and then initial your time record before submitting it for payroll processing. If corrections or modifications are made to your time record, both you and your supervisor must verify the accuracy of the changes by initialing the time record.

Time clocks may be provided for non-exempt (hourly) employees, but regardless of whether we use time sheets or time clocks, you are expected to write all your beginning and ending times on a time sheet. If time clocks are used, you may not punch in the clock or record time for another employee or have another employee punch you in or out.

Altering, falsifying, tampering with time records, recording time on another employee’s time record, or having another employee record your time for you are all acts of dishonesty that will subject you to serious discipline, including dismissal. Failure to report in and out by means of the time clock or written time record will also subject you to discipline and possibly dismissal.

Since you are paid by the hour, it is dishonest to try to alter records to make it appear that you are on the job working and contributing when you are not. Turning in time that you did not work is the same as stealing, because you are taking resources that do not rightfully belong to you.

Our mission here is to serve our college’s mission with high ethical principles. Timekeeping by means of a time clock or written record is a tool to help us track your hours, your use of your leave benefits, and your eligibility for overtime. Therefore, we rely on your cooperation and honesty in recording your hours.

**SECTION 15. Policies for Exempt (“Salaried”) Employees**

If your position is classified as a salaried position, you are not eligible for overtime pay. You are considered an exempt (“salaried”) worker either because you are at an administrative, supervisory, or management level or because you work more independently with little supervision as a professional or technical expert or some other legally exempt position. You are working for the college because you are committed to the mission we seek to fulfill and you are willing to be responsible for carrying your share of our program services. Therefore, we try to measure progress by the results we accomplish, and not keep score by every minute we serve.

**15.1 Work Schedule for Exempt Employees.**

Salaried employees are not paid by the hour and are expected to devote whatever time is reasonably required to get their jobs done. Your work schedule and time frames will be set by your superior. Most salaried employees should expect to devote to their time you need to work over that, then, at your supervisor’s discretion, you may be given some compensatory time off at a future time that your department is less busy. Compensatory time is not necessarily hour per hour but will be tailored to the needs of your department.

**15.2 Covering One’s Post of Duty**

While salaried employees may from time to time have flexibility in their hours, they are expected to be at their posts of duty during the times that their office is scheduled open

Typically from 9:00 am to 5:00 pm so that they may supervise others and assist in fulfilling the functions of that office. Some offices may be open at different hours, and some salaried workers will have varied job assignments and hours, depending on the work to be done. Salaried workers should be willing to take work home or return to work at other times to keep their areas running smoothly, to catch up on their work, or to prepare work assignments for employees they supervise.

**15.3 Use of Leave Benefits**

Salaried (exempt) employees may take their sick leave in four hour increments and their vacation leave only in four hour increments.

Whenever salaried employees are gone for partial days, or less than the time to trigger their leave benefits, they are expected to catch up on their work missed and put in whatever hours are necessary to cover their position. If salaried employees are believed to be excessively absent from their post of duty, they will be subject to discipline and/or dismissal.

When scheduling time off for any kind of leave, salaried employees are required to be responsible to plan with their department heads or superiors to make sure that their responsibilities are covered by others so that the workflow does not suffer.

**15.4 Time Management**

As a salaried employee, you are not required to turn in timesheets showing your work schedule for that week. From time to time you may be asked to perform detailed time management audits of your activities so that we can see how much time is devoted to fulfilling each task and can reassess your work priorities.

**Simmons College of Kentucky**

**Title IX Discrimination Complaint Form**

(including sexual harassment)

**Office of the Title IX Coordinator**

Debbie McDonald

502.776.1443, ext.5168

**Office Location**

A&L Building, 1st Floor

**Mailing Address**

1000 South Fourth St

Louisville, KY 40203

To file a complaint with the College please complete this form in person at the Human Resources Office or other designated Title IX Coordinator. We will gladly have a Title IX Coordinator meet with you at another location if you prefer. If for any reason you are unable to complete the form and would like to make a verbal complaint, please call Debbie McDonald, Human Resources Manager and Title IX Co-Ordinator at 502.776.1443, ext. 5168 or [dmcdonald@simmonscollegeky.edu](mailto:dmcdonald@simmonscollegeky.edu) to leave a message.

Although the College cannot commit to keeping a Title IX discrimination complaint confidential because of the College’s obligation to investigate the complaint, the College will use its best efforts not to disseminate information concerning the complaint beyond those who have a need to know.

Please feel free to contact our office if you have any questions regarding the process for filing or investigating complaints of discrimination (including sexual harassment).

**Simmons College’s Non-Discrimination Statement**

In compliance with Title IX of the Education Amendments of 1972, Title VI and VII of the Civil Rights Acts of 1964, Section 504 of the Rehabilitation Act of 1973, and other federal, state and local laws, Simmons College of Kentucky does not discriminate on the basis of race, color, religion, age, sex, sexual orientation, gender identity or ethnic origin, disability or veteran status in the employment processes, admission or financial aid programs, or educational programs or activities. The Human Resources Manager is the individual designated by the College to coordinate its efforts to comply with Title IX, Section 504 and other equal opportunity and affirmative action regulations and laws. The Title IX Coordinator is Debbie McDonald and the Title IX representatives are Dr. Christine Cosby-Gaither, Kate Brown, Gwen Blackburn, Dr. Frank Smith, Dr. Chris Caldwell and Julian Sam.

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**Title IX Discrimination Complaint Form**

Title IX of the Education Amendments of 1972 (20 U.S.C. \*1681) is an all-encompassing federal law that prohibits discrimination based on the gender of students and employees of educational institutions which receive federal financial assistance. **When the form has been completed and signed by you, and then signed by the Title IX Coordinator or Title IX Representative, your complaint has been properly received and noted by the College.** We will provide you with a copy of this form as well as complete information about the Title IX complaint process.

I am filing this complaint as a: check one ( )

* Faculty staff student

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Have you brought this matter to the attention of any other department(s) at the College?

If so, please list the name(s) and department(s) of all other persons with whom you have

discussed this matter.

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Type of Complaint (check all that apply)

* Access to higher Education/Athletics
* Bullying
* Career Education
* Cyber bullying
* Education for Pregnant/Parenting Students
* Gender Discrimination
* Gender Inequity
* Learning Environment
* Math and Science
* Sexual Harassment
* Sexual Assault
* Sexual Misconduct
* Stalking
* Rape
* Retaliation
* Relationship Violence
* Other\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title IX and FERPA

In January 2001, the U.S. Department of Education, Office for Civil Rights, issued a publication entitled, *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Other Third Parties*.  In this guidance, OCR clarified that following investigations into student-on-student sexual harassment, Title IX requires that the complainant is notified about the outcome of his/her complaint, i.e., whether the complaint was found to be credible and whether harassment was found to have occurred, including whether sanctions have been on imposed on the student found guilty of harassment.  *Guidance* p. vii.  Yet, this seems to run contrary to FERPA (Family Educational Rights and Privacy Act), which generally prohibits the nonconsensual disclosure of personally identifiable information from a student’s educational record.  However, as stated in the 2001 *Guidance* and restated by OCR in an April 4, 2011, *Dear Colleague Letter* regarding sexual harassment of students, FERPA permits a school to disclose to the harassed student information about the sanction imposed upon a student who was found to have engaged in harassment when the sanction directly relates to the harassed student.  OCR specifically found that sharing such information does not violate FERPA as the outcome of the complaint directly relates to the student who made it.  Therefore, this means that a school may share with a student who made a substantiated complaint of sexual harassment that the harassing student has been disciplined and what discipline has been imposed.  However, disclosure of other information about the alleged harasser including information about sanctions that do not relate to the harassed student may result in a violation of FERPA.  For example, perhaps a school clearly designates a student’s punishment for harassment of multiple students as a five day out of school suspension for harassment of student A and a five day out of school suspension for harassment of student B.  In this case, student A is only entitled to know that the alleged harasser received a five day suspension for his harassment of him.

**The Department of Education stated that under its interpretation of the various applicable laws, if there is a direct conflict between the requirements of FERPA and the requirements of Title IX, such that enforcement of FERPA would interfere with the Title IX’s purpose of eliminating sex-based discrimination in schools, the requirements of Title IX override any conflicting FERPA provisions.**  2001 *Guidance* at vii; *Dear Colleague Letter* at p. 13.  The Department of Education reasoned that allowing the victim of sexual harassment to have knowledge regarding the sanctions the alleged harasser receives prevents a victim from continuing to be subject to a hostile environment if he does not know when or if the alleged harasser will return to school.

Bottom line:  A school may disclose to a student who was the victim of student-on-student sexual harassment information about the sanction imposed upon a student who was found to have engaged in harassment when the sanction directly relates to the harassed student.

Complaint: Please describe your complaint. Please summarize below and attach additional pages describing your complaint if necessary.

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Name of person or persons you believe committed the offence against you and how you have contact with them, e.g. supervisor, co-worker, faculty, customer

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Describe the corrective action you are seeking. Attach additional pages if necessary.

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For retaliation complaints please explain why you believe someone retaliated against you:

Witnesses (The relationship information requested means co-worker, supervisor, customer, faculty, etc.)

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1. Relationship Telephone

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I certify the aforementioned is true and correct

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Your signature Date

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For the Title IX Coordinator and / or Representative

Complaint taken by

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