

SAINT AUGUSTINE'S COLLEGE



STAFF HANDBOOK

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Foreword

Saint Augustine's College Staff Handbook

This handbook provides general information on Saint Augustine's College and briefly sketches the policies and procedures of the College. This handbook is not meant to be comprehensive or detailed in every respect, but is intended as a guide for employees. For additional clarification, please contact the Office of Human Resources.

The administration will make changes in the material contained in this handbook as conditions warrant or as deemed appropriate. Any member of the faculty or staff may make recommendations for changes in policies. Recommendations on revisions should be forwarded to the Office of Human Resources. The Office of Human Resources will distribute all updates and changes, and a supplement will be mailed to each full-time employee. Instructions will accompany the supplement as to the pages being replaced or added.

The Staff Handbooks outline policies and procedures and are provided to all faculty and staff employees, respectively. This handbook is not intended as a contract and does not guarantee the continuation of employment or benefits, rather, it is a policy reference, and should be followed by each employee as a means for better understanding the operations of Saint Augustine's College.

About Saint Augustine's College

Saint Augustine's College is an undergraduate, coeducational, historically black liberal arts institution, affiliated with the Episcopal Church. The student body is a diverse population representing about 25 states and 20 international countries. About forty percent of Saint Augustine's graduates enter teaching and professional schools of medicine, dentistry and other allied health fields. Others pursue directorial sciences and urban affairs as a means of perpetuating the goals of the College that were made possible by the legacy of an Episcopalian Clergyman. The Episcopalians accepted their main thrust as the education of the hordes of illiterate Negroes in the South at end of the Civil War.

Saint Augustine's College emphasizes the teamwork approach. The faculty and staff together with the Board of Trustees constitute this working component. As a staff employee, you have a great deal to do with the success of this institution. The general public judges the College not only by the graduates but also by the personal contacts with us through correspondence, telecommunications, and visits to our campus. We must positively reflect these attributes at all levels.

This manual is a milestone in our efforts to provide a codified set of rules and regulations, which govern our employees. Moreover, it provides an opportunity for you to become acquainted with your privileges and responsibilities. While this handbook is not a contract and does not guarantee the continuation of employment or benefits, it is hoped that you will find this manual helpful in making your employment experience at the College a rewarding one.

Mission Statement

The mission of Saint Augustine's College is to sustain a learning community in which students can prepare academically, socially, and spiritually for leadership in a complex, diverse, and rapidly changing world. To fulfill the mission, the faculty fosters scholarship and creativity through varied approaches to teaching and learning; the administration facilitates the enterprise by effectively garnering and managing financial and human resources; and the staff contributes to efficient operations by providing essential support services. Through these means, the College pursues excellence by developing

- **flexible and innovative courses of study** that integrate theory and practical application through experiential approaches to learning;
- **opportunities for students to apply what they learn** through service learning, community service, internships, and cooperative education;
- **purposeful and individualized program of study** for non-traditional students, through preparation for a career change or re-entry into the work force; and
- **knowledge and appreciation of cultural differences** through interdisciplinary courses, study abroad, and other programs.

GENERAL POLICIES 1.0

Employment At Will 1.1

The State of North Carolina is an employment at-will state. This handbook should not be construed as, and does not constitute an offer of employment for any specific duration, nor is it intended to state any terms of employment. Although it is desirable for employees to have a long term employment relationship with the College, either the employee or the College may terminate the relationship at any time, for any reason, with or without notice.

Equal Opportunity Employer 1.2

Saint Augustine's College is committed to equal opportunity in employment and education and does not discriminate on the basis of race, color, religion, national origin, sex, age, covered disability, citizenship, veteran status, or any other protected status recognized by federal or state law. The College complies with all applicable nondiscrimination and affirmative action provisions of the Civil Rights Act of 1964, Executive Order 11246, the Education Amendments of 1972, the Rehabilitation Act of 1973, the Vietnam Era Veterans Readjustment Assistance Act of 1974, the Age Discrimination in Employment Act of 1967, the Age Discrimination Act of 1975, the Pregnancy Discrimination Act of 1978, the Immigration Reform and Control Act of 1986, the Americans with Disabilities Act of 1990, and the Family and Medical Leave Act of 1993.

Inquiries may be directed to the College's Office of Human Resources, Hunter Building, Room 101, (919) 516-4168.

Commitment to Cultural Diversity 1.3

The Saint Augustine's College is comprised of individuals of diverse racial, ethnic and cultural backgrounds, national origins, religious and political beliefs, ages, and physical abilities. The College welcomes this diversity and is committed to maintaining a supportive learning and working environment for all persons. Accordingly, the College supports policies, programs, events, and co-curricular activities that enhance awareness and appreciation of cultural and individual diversity, promote community, and encourage full participation of all members and groups in every aspect of College-life.

HARASSMENT AND DISCRIMINATION 2.0

Saint Augustine's College ["The College"] will not tolerate any unlawful harassment of its employees. Types of unlawful harassment covered by this policy include harassment against an individual because of that person's race, sex, religion, color or national origin, age, disability, or any other classification protected by federal, state or local law. The policy applies to harassment by any of the College's employees as well as any non-employees present in the College's workplace such as contractors, vendors, and/or suppliers, interacting with the College's employees in connection with their work. Such prohibited harassment can arise from a broad range of physical or verbal behavior, which may include, but is not limited to, the following:

- Physical or mental abuse;
- Insults, jokes, slurs, comments based on an individual's race, sex, religion, color or national origin, age, disability, or any other classification protected by federal, state, or local law;
- Display of suggestive, offensive or discrimination oriented pictures or materials.

Accordingly, the College will not tolerate harassment within its organization, including all of the College's facilities and departments. As outlined below, the College takes seriously any harassment claim and specifically prohibits any supervisor or any other College employee from unlawful harassment.

The College welcomes any questions and comments from employees regarding the harassment policy outlined below.

Sexual Harassment 2.1

Sexual harassment is a specific form of illegal harassment that requires more explanation. The College bases its definition of sexual harassment on information provided by the Equal Employment Opportunity Commission (EEOC). According to EEOC guidelines, sexual harassment includes, but is not necessarily limited to unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such conduct explicitly or implicitly affects an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- Such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be male or female.
- The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, and a supervisor in another area, a co-worker, or a non-employee.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

Complaint Procedure 2.2

It is the shared obligation of all employees to report any and all incidents of suspected harassment to the College management. Any employee who believes he or she has been subjected to unlawful harassment or believes he/she has witnessed one or more incidents of unlawful harassment should immediately report the incident(s) to his or her supervisor, or alternatively, to his or her Supervisor, Division Dean, Area Vice President, the Provost, or the Director of Human Resources.

If the employee feels that any one of these individuals is involved in the alleged harassment in any way, or believes that for some other reason anyone of these individuals cannot be approached, then the employee should report his or her claim to any of the other individuals listed.

The College encourages reporting of such acts as they happen. All reports of unlawful harassment will be investigated promptly. Supervisors who fail to effectuate this policy or fail to investigate conduct of allegations of the type, which are prohibited by this policy, will be subject to disciplinary action.

The College will promptly investigate all reported harassment claims. The investigation may include, but is not limited to, an interview of the employee lodging the complaint and the alleged harasser and any witnesses involved. In all cases, the employee who reports unlawful harassment will be advised of the results of the investigation. To the greatest extent possible, the College will attempt to maintain the confidentiality of any harassment investigation. The College will take reasonable measures to keep the reporting and investigation of harassment claims as confidential as possible under the circumstances.

If an employee believes that a reported harassment incident is not being timely or adequately addressed, the employee should bring his/her concerns to the attention of the President.

Disciplinary Measures 2.3

If the College's investigation leads to a determination that illegal harassment has occurred or is occurring, the College will initiate prompt corrective action reasonably calculated immediately to end the harassment and in accordance with the College's disciplinary procedure. Such corrective action may include, but is not necessarily limited to, disciplinary action against any employee engaged in harassing behavior, up to and including termination of employment.

Protection Against Retaliation 2.4

Every employee is entitled to report potential incidents of harassment without reprisal. No employee who in good faith reports or participates in the investigation of harassment will suffer any retaliatory action. Therefore, if in response to an employee's report of suspected harassment, a supervisor or other employee retaliates or threatens to retaliate against the employee or his or her job, the affected employee should promptly report the incident(s) to his or her supervisor or, alternatively, to his or her Supervisor, Division Dean, Area Vice President, the Provost, or the Director of Human Resources.

Any questions regarding the College Harassment Policy should be addressed to the Human Resources Department.

DRUG-FREE WORKPLACE 3.0

It shall be the policy of Saint Augustine's College to maintain a drug-free workplace for all of its employees and comply with the requirements of the Drug-Free Workplace Act of 1988.

Covered Substances. This policy covers the following substances:

- Alcoholic beverages of any kind.
- Controlled or illegal drugs or substances, which include all forms of narcotics, hallucinogens, depressants, stimulants, and other drugs whose use, possession, or transfer is restricted or prohibited by law.
- Exceptions. Drugs prescribed by a physician, dentist, or other person licensed to prescribe or dispense controlled substances or drugs used in accordance with their instructions are not subject to this policy. However, employees are prohibited from using substances, drugs, or medicines that cause drowsiness or other side effects that may impair an employee's capability to perform the job properly and safety. Each employee is obligated to inform that person's immediate Supervisor or Supervisor of the use of any such medications.

Use prohibited on College premise. The following activities are prohibited while an employee is on the College's premises or otherwise engaged in College business:

- The manufacture, possession, use, sale, distribution, dispensation, receipt, or transportation of any controlled substance or illegal drug;
- The consumption of alcoholic beverages;
- Being under the influence of alcohol or illegal substances during business hours;
- Performing duties while under the influence of alcohol or controlled and/or illegal substances whether on or off College premises.

Off-premise use. The following actions, even if not occurring on College premises or during working hours, are considered to endanger the College's reputation for honesty, integrity, and safety.

- Indictment or conviction for criminal offenses related to the manufacture, possession, use, sale, distribution, dispensation, receipt, or transportation of any controlled substances or illegal drugs.

- Any other actions involving alcohol or controlled or illegal substances that, in the opinion of the administration, endanger the College's reputation for honesty, integrity, and safety.

An employee who engages in these activities may be subject to disciplinary action, up to and including immediate dismissal.

Employees who are convicted of controlled substances-related violations under state or federal law or who plead guilty or nolo contendere (i.e., no contest) to such charges must inform the College in writing within five days of the conviction or plea. Failure to do so will result in disciplinary action, including termination from employment.

Counseling and Rehabilitation 3.1

Any employee who wishes to receive information about counseling and rehabilitation may request the information from the Director of Human Resources.

Drug and Alcohol Testing 3.2

Effective June 1, 1997, the College may require employees to undergo appropriate tests designed to detect the presence of alcohol or drugs (e.g., blood test or urinalysis) where it has reason to believe that an employee may be under the influence of or impaired by alcohol or drugs. The College also may require such tests whenever necessary to protect the safety and health of its employees, for example, when an employee is involved in an accident during the performance of College business or on College property that result in injuries to the employee or others or damage to property. Therefore, all employees should know that:

- Consent to submit to such tests as the College may require constitutes a condition of employment. Refusal to consent to a test when such test is required will result in disciplinary action, which may include termination
- All drug and alcohol testing will be conducted in accordance with applicable federal, state, or local laws.

Each current employee is to be provided with a copy of this policy (contained here within) and the acknowledgment form and be asked to sign the form and return it immediately to the employee's Supervisor. Each new employee shall, at the time of hire, be provided with a copy of the policy and acknowledgment form. The new employee is to read the policy and sign the form before being permitted to work.

EMPLOYMENT 4.0

In accordance with the Immigration Reform and Control Act of 1986, Saint Augustine's is committed to employing only U.S. citizens and aliens authorized to work in the United States. We are required to have all new hires complete the Employment Eligibility Verification Form. Saint Augustine's College follows the procedures listed below in order to comply with the Immigration Reform and Control Act of 1986. Further information on this policy may be obtained from the Office of Human Resources.

- Hire only citizens and aliens lawfully authorized to work in the United States;
- Continue to advise all new job applicants of our policy to such effect;
- Require all new employees to complete and sign the verification form designated by the INS (Immigration & Naturalization Services) to certify that they are eligible for employment;
- Examine documentation presented by new employees, record information about the documents on the verification form and sign the form;
- Retain the form for three years or for one year past the end of employment of the Individuals, whichever is longer;
- If requested, present the form for inspection by INS or the Department of Labor. No reporting is required.

Appointment of Staff 4.1

To insure that all persons who make application to Saint Augustine's College will be given fair and proper consideration, the following rules must be observed:

- All applicants will be considered without regard to race, religion, color, ethnic or national origin, sex, disability or age.
- No person shall be employed on a full-time, part-time or temporary basis until an Application has been satisfactorily completed and placed on file in the Office of Human Resources. No commitment of employment shall be made until the Supervisor, Supervisor, Provost and Vice President of Academic Affairs, Director of Human Resources, and the Vice President of Business & Finance approve funds for it.

Procedures 4.2

No person shall be employed until a completed application is furnished to the Office of Human Resources. No commitments of employment shall be made until the open position has been registered with the Office of Human Resources and approved by the President. Consideration of employment will be given only to applicants referred through the Office of Human Resources. Procedures for screening applicants involve the following steps:

- Completion of a written application. Resumes and other biographical data may be attached;

- Personal interview with appropriate staff where necessary;
- Checking of references and background information;
- Testing of skills where applicable;
- Formal interview between applicant and Supervisor and/or Supervisor;
- Physical examination (when necessary).

After final selection, acceptance and approval by the President, the completed application is forwarded to the Office of Human Resources.

False statements made on an Application or information concealed on the application will be deemed sufficient cause for the employee's immediate dismissal.

New Employee Orientation 4.3

New employee orientation provides information on the College's policies, procedures, and benefits. Training on hazards in the workplace is incorporated into the orientation program. An employee's change from probationary to regular status is partially contingent upon his/her attendance.

The departments will implement ongoing orientation and training. By utilizing this orientation and training program, the new employee can obtain a broad overview of the department and see where his/her position fits in with the goals and policies of the College and appropriate department.

All new employees should report to the Office of Human Resources on their first day of work. At that time, they will be furnished proper forms for statutory and option salary deductions for the various insurance plans and have any questions answered. An employee cannot be placed on payroll without the appropriated signed documentation.

Probationary Period 4.4

The first 90 calendar days of employment, is a probationary period for both full and part time employees. The probationary period is a time when the employee becomes familiar with the basic requirements and expectations for the job. It is also the time for supervisors to assess the employee's skills, determine if the employee's job performance meets the expected standards, and whether employment should be continued. The probationary period is a time for open communication by both parties; however, either party is free to terminate the relationship before the period ends.

Personnel Records 4.5

The Office of Human Resources and the Provost and Vice President of Academic Affairs are the repositories for employees' personnel records.

There will be a good faith effort to maintain all Human Resources records and supporting documents. However, failure to do so will not be deemed a violation of the College's duties and shall not be reason to exclude the use of records or documents in any personnel action.

Status Changes 4.6

Change in the terms of employment of any appointee is to be promptly reported by the Supervisor, to the Office of Human Resources. The following changes will be considered as changes in status:

- **Salary Increases** require the recommendation of the Supervisor, Vice President for the area, Director of Human Resources, Vice President for Business and Finance and approval of the President;
- **Promotion** with salary increase requires the recommendation of the Supervisor, Vice President for the area, Director of Human Resources, Vice President for Business and Finance and approval of the President;
- **Transfer** requires the recommendation of the Supervisor and approval of the Vice President for the area; Director of Human Resources, Vice President for Business and Finance and approval of the President;
- **Leave of Absence** requires the recommendation of the Supervisor, Vice President for the area, Director of Human Resources, Vice President for Business and Finance and approval of the President;
- **Termination** requires the recommendation of the Supervisor, Vice President for the area, Director of Human Resources, Vice President of Business and Finance and approval of the President.

It will be the responsibility of Supervisors to notify the Office of Human Resources of anticipated changes in duties and responsibilities of any position. All personnel status changes will be done in writing with proper approvals. For any change of status, which involves a salary increase, the Vice President for Business and Finance should be consulted before obtaining the President's approval.

Forms for requesting changes in Human Resources are available in the Office of Human Resources. These should be prepared in accordance with instructions printed on the form. The original should be forwarded to the Office of Human Resources, with a copy retained by the requesting department in a pending file. All departments will be notified, in writing, of any and all official Human Resources actions relevant to their purview.

Notification of the termination of any employee should include, in addition to form requirements, and if applicable, a brief description of the duties assigned to the position, the importance of the position to the quality and productivity of the program, and plans for reassignment of duties and responsibilities for the position. It will be the responsibility of Supervisors to notify the Office of Human Resources of anticipated changes in duties and responsibilities of any position.

The Director of Human Resources should approve plans for utilization of new positions prior to implementation.

Internal Promotional Opportunities 4.7

Standard procedure for filling positions at the College includes a process open to the general public. However,

in some cases managers or supervisors may wish to fill positions from within the College. A manager or supervisor who seeks to fill an opening through an internal search or promotion should first make the request to the Office of Human Resources. Regular employees are encouraged to consult with their supervisors or managers when they wish to be considered for internal promotional opportunities.

Employment of Relatives (Nepotism) 4.8

No person shall be recommended for appointment or transferred to a position on the staff/faculty that would be included in the following circumstances:

Staff/faculty members may not be employed in positions that are:

- Within the direct scope of supervision of member of his/her family or
- In the same organizational line of authority of a member of his/her family;
- This regulation shall apply to the following degrees of relationships:
- By blood: parent, child, adopted child, grandparent, grandchild, brother, sister, uncle, aunt;
- By marriage: husband, wife, step-parent, step-child, brother-in-law, sister-in-law, father-in-law, son-in-law, and daughter-in-law.

If marriage of a staff/faculty member would create a family relationship resulting in employment circumstances as listed above, it will be necessary for one of the persons so affected to give up his/her position by the end of the fiscal year. However, the person may be transferred or reemployed elsewhere at the College subject to the aforementioned provisions.

Persons employed on a temporary basis or on an "on call" basis either full-time, or part time, shall not be considered as employed on an appointment basis for purposes of being embraced by the provisions of the policy. Student employment on a part-time basis shall not be interpreted as employment for purposes of this regulation, except that a Supervisor shall not give employment to a member of his/her immediate family.

Outside Employment 4.9

Your job at Saint Augustine's College is expected to be your primary one, if you are a full-time employee. Employees may have outside employment secondary to their SAC positions. As long as their activities do not in any way conflict with their SAC duties and responsibilities. Outside employment is defined as self-employment for salaries, wages, tips or commission other than the full-time position held with SAC.

Employment of Minors 4.9.1

The North Carolina Child Labor Law provides for certain restrictions and regulations regarding the employment of minors.

Supervisors must confer with the Director of Human Resources before recommending any perspective employee under the age of 18. Under no circumstances should a Supervisor hire a minor even on a temporary basis without the proper work permit and permission from the Vice President for Business and Finance.

Student Employment 4.9.2

It is the policy of the College to lend financial aid to students, whenever feasible, through part-time employment.

The employment of students at Saint Augustine's College is generally restricted to the Financial Aid Office and compensation in all cases is in keeping with the rates currently approved. The Supervisor may refer certain students to the Financial Aid Office with a request that they be employed. In no case should an assignment be made without approval of the Financial Aid Officer or the Vice President for Business and Finance.

Supervisors are responsible for keeping and reporting the hours worked at specific periods designated by the Financial Aid Officer.

All work must be performed satisfactorily and all reports of unsatisfactory work should be reported to the Financial Aid Office.

COMPENSATION 5.0

Wage and Hour Law 5.1

The College operates under the Federal Fair Labor Standards Act, commonly known as the Wage and Hour Law. All employees, other than certain executive, administrative and professional personnel, are considered non-exempt employees and are covered by the provisions of this law. Non-exempt employees are entitled to the benefits of the law such as a guaranteed minimum wage.

Policy 5.2

Non-exempt employees are not permitted to work beyond the forty- (40) hour week unless his/her Supervisor requests the time. No Supervisor may authorize overtime unless he/she has written authorization from the President, the Vice President of Business & Finance or the Director of Human Resources. All overtime made by non-exempt employees (individuals on time sheets) will be entered on the payroll. Generally, overtime made during a particular pay period, will be entered on the next payroll affecting that employee.

All hourly paid positions are classified according to relative technical requirements and responsibility. Salary rates are established for each classification. Adjustments to salary rates for a classification are normally based on a fiscal year of July 1-June 30. Adjustments usually coincide with the new budget year.

New employees are usually hired at the base rate. If employees have previous experience in a particular field, they may be hired at a higher salary than the beginning rate. The Vice President of Business & Finance will take this action upon recommendation of the Director of Human Resources with approval.

Work Rules For Non-Exempt Employees 5.3

All hours in the workweek are recorded on a daily time sheet so that accurate records may be kept of work time. Credit as hours worked is given for days taken for earned Annual leave and/or sick leave. Unauthorized work during established lunch periods is not permitted. Work should not be performed before or after the established work time, unless it has been pre-approved by the Supervisor and authorized by the Vice President of Business & Finance. In this instance, it must be recorded as time worked. A non-exempt employee must record his/her time accurately. Falsification of records will subject one to immediate dismissal.

Overtime 5.4

As a general policy statement, it is expected that the College's various workloads should be accomplished within the basic schedule of the workweek. It is the policy of the College to discourage overtime situations. The President charges each administrative officer concerned with the responsibility for organizing, scheduling, and staffing workloads in a manner that will avoid the development of overtime work situations.

The administration recognizes that occasionally a staff member may be required to work overtime in certain emergency situations such as:

1. Registration Periods;
2. Unforeseen circumstances that prevent the work from being accomplished during the regularly scheduled period.

Overtime, if required shall be performed only at the recommendation of the supervisor.

Staff Merit Pay Policy (SMPP) 5.5

The pay policy of Saint Augustine's College is based on the principle of recognizing, rewarding and paying for excellence in performance. The SMPP of the College has, therefore, been designed and developed to incorporate this principle in the merit pay raise program. In developing the SMPP, it was determined that merit was defined as value, excellence, or superior quality; an aspect of a person's behavior deserving of approval or disapproval. Merit pay is defined as pay based on excellent or meritorious performance.

The SMPP will be administered through the Office of Human Resources. The Executive Assistant to the president or other Presidential designee will be the primary decision making authority on matters regarding the SMPP. Below is a description of the chain of command for SMPP disputes.

Both parties will present policy disputes that cannot be resolved at the unit level in writing to the Director of Human Resources for resolution. The Director of Human resources will review the facts and render a **written** decision within two weeks.

SMPP disputes that cannot be resolved by the Director of Human Resources will be presented in writing by the director with supporting documentation from the appropriate parties to the Faculty/Staff Grievance Committee for resolution. The Faculty/Staff Grievance Committee will review the facts and render a **written** decision within 30 days.

SMPP disputes that cannot be resolved by the Faculty/Staff Grievance Committee will be referred to the President for resolution. The Faculty/Staff Grievance Committee will provide the President its written decision as well as all the support documentation from the appropriate parties. The President will review the documentation and render a **written** decision within 30 days. The decision of the President is final. The director of Human Resources will initiate action, as appropriate, including retroactive pay adjustments.

Overall Composite Ratings (OCRs)/Categories:

OCR	Category
Outstanding *	5
Exceeds Expectations *	4
Meets Expectations	3
Needs Improvements	2
Unacceptable **	1

*Meritorious Category

**Performance needs immediate attention up to and including termination.

While the SMPP has been written to achieve consistency, fairness, equity, and understanding, it is recognized that the policy interpreters and administrators have a major role to play if policy credibility is to be achieved and maintained. Therefore, it is critical that all who administer, apply and review this policy understand that the policy is based on the principle, **“pay for exceptional performance.”** Any efforts to administer the SMPP in any other will severely undermine the credibility of the policy and could render it ineffective.

Guide to Payroll 5.6

In order to maintain accurate records and timely reports, the following procedures apply:

- No checks will be issued unless all time sheets are on file in the Office of Human Resources. These daily time records should be maintained by the individual, signed by the appropriate Supervisor and turned in every Monday by 10 a.m.
- Time sheets are to be signed by the employee and their respective Supervisors.
- **Overtime must be requested and approved before an individual is paid, and the Vice President of Business & Finance or his designee must approve it before it is made.** (See section on overtime)
- Any services performed for the College, where payment is to be made, must go through the College's payroll. No employee will be paid for services rendered unless it is properly taxed. Services rendered in addition to one's original contractual agreement will be compensated on the nearest payroll following approval for payment or as agreed (upon completion of services, etc.)
- Our pay periods will remain the 15th and 30th of each month. Employees should not request checks before these dates.

Pay 5.7

It is the intention of the College to allocate funds for salaries and wages as fairly and equitably as possible, and do this in a manner that is based on a fair evaluation of the relative value of work.

It is the policy of the College to establish rates of pay and salary wages that are justly related to such factors as skill and ability required to perform the work; the level of responsibility assigned; effort demanded of the position and its working conditions. Due consideration is also given to “prevailing rates” being paid for similar kinds of work in the area and by other comparable institutions. Saint Augustine's must also live within the limits of its financial ability; therefore salaries and wages are always dependent upon the availability of funds and enrollment numbers. Most staff positions are assigned a salary grader classification and salary range, as determined by a study of the duty assignments and responsibilities of the position.

Minimum and maximum salaries are established for most positions and salary adjustments may be within the range in accordance with the operating procedures as outlined below.

Direct Deposit 5.8

Direct deposit is available to all Saint Augustine's College employees. All employees are encouraged to enroll in the program; however participation for full time employees is **mandatory**. These deposits will be transmitted to either the employee's checking **or** savings account. Only one bank account can be used per employee. In

addition to this, full time faculty that teach Summer School and/or receive compensation for overloads will receive these funds via direct deposit. All payroll changes are due to the Office of Human Resources (10) ten working days prior to payday.

Employees that do not have an active account must establish an account with Wachovia Bank. The Direct Deposit Enrollment Form must be completed and returned with a voided blank check to the Office of Human Resources within 5 (five) working days of employment. Direct Deposits will begin on the second pay date after enrolling.

Temporary employees will be compensated with a manual check. In the event of termination of employment, the employee's final paycheck will be also in the form of a manual check.

Operating Procedures 5.9

The Vice President of Business & Finance recommends the establishment of suitable salary ranges for the various employment categories to the President. The normal starting rate will be the beginning rate of the salary grade assigned to the positions. However:

- Authorization may be granted to employ at a rate above the beginning rate in certain circumstances.
- The primary criteria for adjusting such initial salary rates will be the factors of previous experience, education, and background.
- Personnel employed on an hourly rate basis and temporary workers will usually be compensated at the beginning rate of pay.

The salary schedules are based on the premise that they should be operated on a merit system where increase will be granted to the incumbent annually of pay.

- There are funds available for this purpose in the budget;
- The Supervisor recommends a salary adjustment based on an evaluation of the work performance of the incumbent.

The merit system also means that increases are not automatic and that increases will not be granted merely because funds are available in the budget. The increases are granted on the basis of the quality of performance on the job and not mere length of service.

All employees are to receive annual performance reviews and this should be sent to the Director of Human Resources at the specified time. Failure on behalf of the Supervisor to submit performance appraisals on rates may result in a reprimand. The Director of Human Resources reviews, prepares a summary, and makes recommendations to the President for approval. When the President approves this, the adjusted salary is to be paid to the employee for another twelve (12) months if he/she remains in that position.

Signing of Contracts 5.9.1

Authorization for executing (i.e., signing contracts), leases and/or agreements, with vendors, agencies, or any third parties to pay for the purchases or lease of goods, products, and/or services on behalf of Saint Augustine's College, is limited to the President and the Vice President of Business & Finance. All requests for the purchase or lease of products, goods, and/or services by an employee including faculty and staff, must be submitted on an official requisition form and signed by all appropriate College Officials prior to the College assuming responsibility to pay. Any employee who fails to complete a requisition form or who otherwise fails to obtain the express written permission of the President and/or Vice President of Business & Finance to execute a contract, lease, or other agreement, shall be personally responsible for any debt incurred by their signature.

Faculty and/or staff who are responsible for grants or other sponsored programs must complete the requisition process appropriate to their grant or program and obtain all appropriate signatures prior to the purchase or lease of products, goods, and/or services for the College. If you have any questions about this policy, contact your immediate supervisor or your division Dean for clarification.

WORK SCHEDULES 6.0

Saint Augustine's College is a complex organization staffed by persons performing a variety of jobs requiring different working schedules, which involves day and night working hours. Therefore, it is impossible to establish the same shift work for everyone on the staff. However, the College does recognize the following general classes of work schedules as representing normal operations:

Five-Day Work Week 6.1

- Monday through Friday (40 hours a week);
- Normally assigned to clerical and office staff;
- Different schedules may vary but normally hours assigned will be from
- 8:00 a.m. to 5:00 p.m.;
- For those offices that must remain open on Saturday mornings, the procedure will be to stagger the work hours in order to keep a skeleton staff available.*

* Staff members subject to this schedule will be granted equivalent compensating time off.

Seven-Day Work Week 6.2

Some departments, such as the Library and Campus Police, require a seven-day workweek. A forty- hour (40) week shall remain the basic period, however, in no case, shall an employee be required to work seven consecutive days as a regular schedule.

Professional Librarians are considered a part of the faculty and are not subject to this policy.

Employee Schedules 6.3

The schedule of each employee should be sent to the Office of Human Resources and should be kept up-to-date when changes are made. If changes are to be made in an employee's work schedule, the Director of Human Resources must be notified immediately. Before the employee can begin to work the changed schedule, it should be approved by the Vice President of Business & Finance and the President.

Time Sheets 6.4

Time sheets are official records of time worked. The time records are the basic source of information for payroll purposes. Time records should reflect the actual time worked. Employees sign in at times in variance with their daily work schedule. It is the responsibility of supervisors and Department Chairpersons to check time sheets for accuracy before submission to the Office of Human Resources.

Time Sheets should be turned into the Office of Human Resources every Monday before 10:00 a.m. If not submitted by the aforementioned time, this may cause the employee not to receive his/her payroll check until the following pay cycle.

Overtime permits should be attached to the time sheets if the Chief Financial Officer has previously approved it.

Working Hours and Attendance 6.5

Full-time staff members are employed for 40 hours per week. Employees regularly scheduled for less than 40 hours per week will be classified as part-time. Because of the nature and functions of programs, schedules may vary from office to office. At the President's discretion, a flexible work schedule may be offered during the summer months.

To ensure adequate staffing and service to our internal and external customers, the College has established a regular schedule. Special events may dictate a change in work schedules for certain employees. To ensure appropriate staffing levels, the supervisor and director must approve deviations from the standard schedule. Basic procedures regarding work hours and attendance are:

- All schedules and lunch hours must be coordinated within departments to ensure adequate staffing at all times. Certain employees may be hired for or assigned different working hours in order to perform certain tasks. Due to the nature of some programs, this is necessary to perform a given responsibility adequately.
- A supervisor must authorize overtime in advance. Due to the impact on departmental budgets and FLSA regulations, employees may not independently decide to work overtime without supervisory approval. While overtime worked without permission must be paid according to law (if the employer benefits from the work performed and has reason to know about it), upon investigation such behavior may be justification for disciplinary action, up to and including termination of employment of the violator.
- In no instance will overtime be paid on a second occasion without prior supervisory approval.
- Violations regarding unauthorized overtime will be addressed as a performance issue.
- In the case of approved overtime, additional hours worked beyond a normal day should be clearly indicated on the appropriate time sheet and specifically initialed by the supervisor. No overtime will be processed for payroll without the above authorization.
- Part-time and temporary employees are not eligible for annual leave or sick leave benefits.
- Lunch breaks should be scheduled with supervisor. Non-exempt employees must take a minimum 30 minutes for lunch away from their workspace.
- The absence of an employee normally imposes a burden on co-workers; therefore, tardiness must be kept to an absolute minimum. It is unavoidable essential that the supervisor be notified at least one hour prior to the scheduled starting time, or no later than one hour after scheduled starting time when prior notification is impossible.

Basic workday: Professional employees are expected to work as required by the position. All offices are expected to open by 8:00 a.m. and close no earlier than 5:00 p.m. Monday through Friday.

Absenteeism and Tardiness 6.6

Any employee who is repeatedly late for work will jeopardize his/her merits evaluation and presents grounds for disciplinary action up to and including dismissal.

A staff member who is absent for three days or more MUST present an excuse from a physician or acceptable justification to the Supervisor prior to or upon return to work; otherwise, the employee will be considered to have resigned and/or abandoned the job.

Absent Without Pay 6.7

A staff member shall not receive pay for unauthorized absences as follows:

- Failure to report to work as scheduled;
- Failure to present adequate justification for the absence upon returning to duty;
- Deliberate absence from work without the sanction of the supervisor.

Absence With Pay 6.8

The following bonafide absences will be approved with pay:

- Accrued sick leave;
- Court and jury duty;
- Injury or accident on the Job;
- Other excused absences, such as work-related training;
- Compensatory time, approved in advance, by the supervisor;
- Military leave (up to 15 working days).

Discipline 6.9

Rules and regulations are necessary in every organization. The best working conditions prevail where employees conduct themselves with respect and consideration for themselves, their fellow employees and the College.

Saint Augustine's College has developed a progressive discipline plan, which indicates those offenses that normally warrant disciplinary action. Action may include reprimand, probation, suspension and/or dismissal.

Counseling/Verbal Reprimand 6.9.1

A verbal statement may be made by the Supervisor to an employee to point out an unsatisfactory element of job performance, i.e., poor performance, poor attendance, etc.

Written Reprimand 6.9.2

The Supervisor for substandard performance, poor performance, poor attendance, extended lunch hours, and other types of minor offenses may make written reprimands. Counseling usually precedes reprimands. Written reprimands are made a part of the Human Resources record.

Probation 6.9.3

The Supervisor, with approval of the Department Chairperson, may place employees who fail to respond to the above reprimand on probation. This action must be reported in writing to the President and Director of Human Resources before it is taken, and it will be filed in the employee's record. Those who fail to respond to guidance during their period of probation normally will be terminated.

Suspension 6.9.4

The Supervisor may suspend employees who become involved in serious problems or violations, (attendance, performance, etc.) from duty up to five (5) working days. Suspensions of a longer duration require approval by the President. All suspensions are on a "without pay" status. All suspension actions must be given to the employee in writing and must be reported to the President and Office of Human Resources, in writing, by the Department Chairperson or Supervisor, immediately. This information will be entered on the employee's record.

Dismissal 6.9.5

Employees should be aware that their employment relationship with the College is based on the condition of mutual consent to continue the relationship between the employee and the College. Therefore, the employee or the College is free to terminate the employment relationship at will with or without cause, and at any time. Recommendations to dismiss an employee are to be made to the Director of Human Resources and authorized by the President. Similarly, the College reserves the right, at its sole discretion, to utilize forms of discipline less severe than termination in differing circumstances in order to effectuate positive change in employee behavior and performance.

Although one or more of these disciplinary measures may be taken in connection with a particular employee, no formal order or system is necessary, and the College may terminate employment whenever such action is deemed necessary.

When any form of disciplinary action is taken, the Supervisor **should consult with the Director of Human Resources prior to action.** Copies of written disciplinary action should be submitted to the Director of Human Resources.

Separation from SAC Employment 6.9.6

An employee may be separated from the College for reasons of termination, expiration of appointment, reduction-in-force, resignation, abolishment of position, non-renewal of contract, non-renewal of special contracts or grant appointments, retirement, disability, and death. **In case of financial exigencies, the College reserves the right to terminate employment.**

Voluntary Separation 6.9.7

In order to separate in good standing with SAC, and to be eligible for reinstatement, employees are expected to give at least two working weeks' notice. Professional level staff, faculty members and supervisors are expected to give one month's notice.

To establish a standardized procedure to assure that an employee resigns in good faith:

- The employee submits a written resignation to the supervisor
- Once the written resignation is accepted, the employee may not be reinstated in any position without the approval of the appropriate Vice President.
- Unless the appropriate notice period is completed with satisfactory performance, the employee cannot subsequently be rehired in any College position.
- Earned, unused Annual Leave will be paid out to the employee in the final paycheck, unless the employee does not give the requested notice and does not work the minimum notice.
- Used, unearned Annual Leave will be deducted from the final paycheck
- Annual Leave and sick leave time is not an earned benefit and is not paid out on termination.
- Unused sick leave time is not an earned benefit and is not paid out on termination.
- In some circumstances, the employee may be asked to leave the day he/she resigns. In this situation, SAC reserves the option to pay the employee through the end of the notice period, not to exceed one month.
- The supervisor will work with the employee to identify and resolve or reassign outstanding projects and duties.
- The Director of Human Resources schedules an exit interview with voluntarily terminating employees to obtain employee comments concerning SAC, their jobs and management practices, as well as to provide any benefits paperwork and explanations necessary.
- The separation date for all employees will be the last day of actual work.
- The employee must return all SAC property (e.g. keys, expense allowance, credit cards, supplies, etc.) and resolve any indebtedness to SAC (e.g. unreturned equipment) by the employee's last day on campus.
- The final paycheck will be a "Live Check", and will be mailed to the employee, or can be picked up by the employee, as he/she prefers. There will be no direct deposit of final paychecks.
- All reference requests for any employee must be referred to the Director of Human Resources, who is authorized to speak for the College concerning matters of employment.
- In circumstances of voluntary resignation of job elimination, supervisors may elect to issue the departing employee a letter of reference, provided the Director of Human Resources reviews and approves the letter of reference prior to its issuance to the requesting employee.

- The Director of Human Resources will provide only job title, dates of hire and separation, and eligibility for rehire (yes or no response only) when contacted for references. Performances rating, character references, and reasons for termination will not be acknowledged unless the departing employee is completed a Reference Inquiry Release Form, or unless the information is required by law.
- The director of Human Resources will advise the President's Cabinet regarding strategies for the retention of employees as part of the annual organizational planning process.

Involuntary Separation 6.9.8

It is the policy of SAC to correct, or attempt to correct, substandard work performance or conduct of its employees. When these efforts have failed or when an employee's actions are of a serious or threatening nature, SAC has the right to obligation to dismiss the employee from SAC employ. Changes in budget/staffing may also result in termination of employment at the discretion of SAC.

It is the purpose of this procedure to establish a fair and uniform method for the discharge of employees and to assure that each employee has the opportunity for a complete and fair review before being discharged from the employ of SAC.

Performance-based: A staff member who demonstrates his/ her inability to perform his/her job in a satisfactory manner, is lack of interest, carelessness, or other traits resulting in failing to meet the standards of the job, may also be separated from employment. Failure to meet the job requirements for a position during the introductory/initial period of employment constitutes grounds for separation.

Misconduct: An employee who conducts himself/ herself in a manner that reflects unfavorably upon the reputation of the College and himself/herself may be subject to immediate discharge by the president or upon the Supervisor's recommendation, without advances notice and without further pay, for such causes, but not limited to the following:

- Falsification of records, including time sheets and applications for employment;
- Gambling on College property;
- Reporting to work under the influence of, or possessing intoxicants such as alcohol, narcotics, barbiturates, hallucinogenic, amphetamines or marijuana;
- Insubordination or disobedience, inexcusable neglect of duties;
- Incompetence or inefficiency;
- Unauthorized possession of firearms, knives or explosives;
- Immoral or indecent conduct on College premises or conviction by court of law of such conduct off campus;
- Submission of falsely stated documents, including travel vouchers, etc;
- Threatening, intimidating coercing or interfering with administrators and/or fellow employees on campus;

- Sleeping during working hours;
- Conviction of a criminal offense, including murder, armed robbery, arson, or assault, whether on or off campus;
- Excessive absences, especially \Fridays, Mondays, and days before holidays and after each pay day;
- Failure to report an accident, incident and/or injury to self, student, faculty, staff or visitor;
- Negligence or abuse in the use of College property or equipment;
- Leaving work or campus without permission during working hours;
- Misuse of sick leave privileges and benefits;
- Consumption of alcohol while on duty;
- Concealing, removing, falsifying or destroying College records;
- Failure, through neglect, to account for College funds by responsible employees;
- Willful negligence in performing official duties including failure to follow instructions;
- Stealing from fellow employees and/or the College;
- Unexcused absence for three (3) days or more without notification or reasonable cause;
- Wasting time or loitering (repeated offense);
- Misuse or unauthorized use of the College's long distance telephone service.

Where dismissal is brought about by a violation of Civil Law, the College may institute prosecution of an employee or a former employee. Discharge due to unfavorable conduct does not provide for pay in lieu of notice

Procedure for Reporting Separation 6.9.9

In no case should the Director of Human Resources, the Chief Financial Officer and the President and/or their respective representatives, terminate any employee without prior review of the case. If terminal Annual leave is to be granted, the effective date of separation will be the last day for which the employee is paid.

GRIEVANCE POLICY 7.0

It is the intention of Saint Augustine's College to deal fairly with all employees regarding the various aspects of the employment relationship.

It is expected that in the normal course of working together on a day-to-day basis, problems will arise from time to time. The College wishes to afford every opportunity for the Adjustment of these problems in a prompt and equitable manner. The successful solution to these problems should be accomplished at the first level of supervision whenever possible. However, in the event a mutually satisfaction adjustment is not attained at this point, a definite means of appeal to a higher level of authority is provided. Staff members may use this procedure without fear and prejudice.

Grievance Procedure 7.1

Step I: The matter in question shall be taken up with the immediate Supervisor at the earliest possible time. Every effort will be exercised by the immediate Supervisor to solve the problem on its merits without undue delay.

Step II: If the Supervisor and the employees are unable to solve the grievance satisfactorily, the employee may submit the grievance, in writing, to the appropriate Vice President, or designee, within five (5) working days after the discussion with the immediate Supervisor. The grievance must be in writing and must contain a statement of the complaint and the remedy sought. The Vice President will discuss the complaint with the employee and all other persons concerned. The Vice President will render a written decision within ten (10) working days after the date of receipt of the grievance. The employee's Supervisor will receive a copy of the written response of the Vice President. (Step 2 of the process is not involved when the immediate Supervisor is a Vice President.)

Step III: If there is still not satisfactory resolution of the grievance, the employee may appeal the grievance to the President, in writing within five (5) working days after receipt of the response from the Vice President. The President may appoint a grievance committee consisting of a Dean (normally the Director of Human Resources or his/her designee as the Dean) and two other members; at least one shall be a peer of the complainant. The committee's Dean shall convene a hearing within ten (10) working days after receiving the appointment. The committee's Dean will submit a recommendation to the President within ten (10) working days after the hearing. The President will render a decision to the employee within ten (10) working days after receiving the recommendations from the Dean of the grievance committee. The decision of the President is final.

BENEFITS 8.0

Annual Leave 8.1

All full-time Saint Augustine's College employees are entitled, during each year of employment, to Annual leave with pay. To the extent permitted by impending work conditions, each employee will be allowed to use Annual leave for rest and relaxation, bereavement, and personal days to assist in maintaining maximum efficiency and productivity. Annual leave shall be earned, accrued, and used as herein described.

Exception: Professional employees may negotiate extended annual leave when hired or at initial review evaluation date (not to exceed 18 months of employment).

- The leave is defined as the period July 1 through June 30 (the College's fiscal year). Employees who begin work after the start of a leave year will have their leave pro-rated on a monthly basis for that part of the leave year.

Accrual Rates:

- Senior level administrators (Vice Presidents, Executive Assistant to the President, and Associates) shall earn twenty-four (24) leave days per year/2 days per month.
- Employees with less than five years service shall earn twelve (12) leave days per year/1 day per month.
- Employees with five years of service but less than ten years of service shall earn eighteen (18) leave days per year/1.5 days per month.
- Employees with ten or more years of service shall earn twenty-four (24) leave days per year/2 days per month.

1. Maximum Accumulation: Employees, except where otherwise directed by the President, are allowed to accumulate and carry forward annual leave up to a maximum of that which would be earned in the last twenty-four (24) months, as follows:

- Less than 5 years - Forty-four (44) days
- 5 or more years - Forty-four (44) days
- 10 or more years - Forty-four (44) days
- Senior Level Administrators - Forty-four (44) days

2. Employees, whose employment ceased, will be paid for accumulated and unused annual leave at their current rate of pay up to a maximum of fifteen (15) days.

3. Should a recognized holiday occur during an authorized annual leave period, the holiday will not be charged as a day of annual leave time, except that no holiday shall be recognized during terminal annual leave.

4. Use of annual leave: College Supervisors are expected to encourage the use of annual leave in a

timely manner. When employees can be spared from their duties, annual leave will be granted as requested, to the extent of the employee's available balance. Annual leave may also be used when emergencies arise. An emergency is defined as an unforeseeable situation over which the employee has no possible control, and which prevents the employee from being on duty during the entire period of absence. Denial of the use of annual leave will be based upon factors, which are reasonable, equitable and which do not discriminate against any employee.

5. Request for and approval of annual leave: It is the prerogative of the administrator concerned to make the final decision as to when leave is to be used. For this reason, the use of Annual leave is subject to the approval of the appropriate Supervisor. Retroactive approval may be given when circumstances warrant. It is not to be assumed, however, that a mere report of absence will necessarily result in favorable action. Failure to secure the proper approval may result in the period being charged to absence without pay. Periods of Annual leave should be recorded on the time report.
 - Supervisors have the primary responsibility for determining when and the extent to which annual leave will be granted, as well as the responsibility of requiring that annual leave be taken under certain circumstances.
6. The Director of Human Resources shall be responsible for interpretations in connection with these policies and procedures and will maintain the official records that are necessary in order to maintain an equitable leave system.
7. Annual leave pay cannot be advanced for the annual leave period. (Except during the Christmas/New Year Holiday, as necessary).
8. Nine-month employees shall not accrue annual leave.
9. Terminal Leave: If a staff member separates in good standing he/she may be granted the unused Annual leave accrual, subject to the maximum equivalent of the annual leave allowance.

If the termination of employment results from dismissal for cause, there shall be no terminal annual leave granted, unless it is deemed to be in the best interest of the College.

- The day of separation shall be the last day for which Annual leave is paid.

When the date of separation occurs other than at the end of a regular pay period, final payment will be made on the next pay day following separation date.

Sick Leave 8.2

The sick leave policy is intended to encourage the accumulation of sick leave to cover an extended illness. It should not be considered as earned time off with pay and may not be granted in this manner. Abuse of the privilege may be deemed justification for dismissal of the employee.

- Full-time staff members shall earn and accumulate sick leave with pay on the basis of one working day of sick leave for each calendar month of employment.
- Sick leave shall accumulate from initial date of employment, but sick leave earned during the initial three-month period may not be granted until the end of this period.

- Such leave may be accumulated to a maximum of one hundred twenty (120) working days.
- Transfer of a staff member from one department to another shall not change his/her sick leave accumulation.
- Sick leave will continue to accumulate during a leave with pay, but will not be accumulated during any full calendar month of absence in a non-pay status.
- Unused sick leave balance will not be paid upon the termination or resignation of a staff member.
- In the case of illness occurring away from work, prompt notification to the Supervisor must be given prior to the start of the work period in order to have the work covered. If notification is not made in accordance with this policy, the absence will be on a "without pay status".
- Nine-month employees shall not accrue sick leave.

Maternity Leave 8.3

Compensation during maternity leave will be treated as any other illness in accordance with sick leave policy. If a member desires additional time not covered by the sick leave policy of the College, a request can be made for Family/Medical Leave. The employee should initiate the leave request with her immediate Supervisor before the seventh month of the pregnancy.

Military Leave 8.4

Employees who are members of a Reserve Component of the Armed Forces will be granted military leave with pay for a period of active duty not to exceed fifteen (15) working days per calendar year. It is encouraged that military leave be taken at other than heavy enrollment periods of the year, preferably during the summer. Instructors with nine-month contracts must request military training during a non-teaching period of the calendar year.

Employees with military duty in **excess** of fifteen (15) working days per calendar year may request that Annual Leave time be applied to this leave, which will be granted with the approval of the Supervisor. In lieu of Annual leave, the employee may request a leave of absence without pay. The employee should submit a copy of the appropriate military orders to his/her Supervisor. The Supervisor then attaches an approval slip (approving or disapproving the request) to a copy of the military orders and submits them to the Director of Human Resources as soon as possible. The Uniformed Services Employment & Reemployment Rights Act of 1994 expanded the anti-discrimination protection of Reserve and Guard members in hiring, retention, and advancement on their military obligation.

Life Insurance 8.5

Saint Augustine's College provides life insurance to all full-time employees at no cost. Life coverage is one and one half times the employee's salary up to \$250,000.00. Life coverage is reduced for employees upon attainment of a prescribed age still employed, or who become insured on or after the prescribed age. Life insurance is not available for dependents. Employees are eligible for this benefit the first of the month following ninety days.

Medical Insurance 8.6

Saint Augustine's College offers medical Insurance for each benefit-eligible employee who works 40 hours per week, with optional dependent coverage available. Dependent coverage is available to employees at group rates. Premiums are deducted from payroll on a pre-tax basis. Employees are eligible to join the group medical insurance program but coverage will **not** begin until the first day of the month following the completion of ninety days of service (waiting period). The College pays a percentage of the premium for full-time employees. Covered employees who terminated employment will be notified, as required by law, of their right to continued coverage at group rates at their own expense. Due to the pre-tax nature of any applicable deductions, changes may be made during the plan year to employee or dependent coverage only if there is a qualifying event, as defined by the IRS. The exact coverage and premium costs are variable, and therefore are not included in this booklet. However, such information is available from the Office of Human Resources.

Accidental Death and Dismemberment Insurance 8.7

Saint Augustine's provides an accidental death and dismemberment insurance policy for all interested employees at group rates, which are considered lower than rates available on an individual basis. Premium payments may be deducted from your payroll check. A variety of supplemental insurance's are available including the dental and vision discounts. Information may be obtained from the Office of Human Resources.

Retirement 8.8

The pension plan is to assist you in attaining financial security after retirement. It was adopted in hope that its benefits along with those from Social Security and your own savings will enable you to look forward to your retirement years with confidence. The entire cost of the Plan is paid by ACI (American Church Institute) through budget appropriations of the Executive Council. This is considered a non-contributory plan and you are eligible to participate in the plan on the September 1 nearest the date you have completed six months of employment with the College. Specific details may be obtained from the Office of Human Resources.

The College also offers at least two (2) contributory (403b) plans:

- TIAA-CREF (Teachers Insurance and Annuity Association-College Retirement Equities Fund): This fund is available to all employees and will be matched equally by the College on a percentage basis after one (1) year of employment.
- EQUI-VEST (The Equitable): Also available to all employees and will be matched equally by the College on a percentage basis after one (1) year of employment. **It should be noted that the College would only match one of the contributory plans. Contact the Director of Human Resources for more information.**
- **ALL BENEFITS ARE SUBJECT TO PERIODIC CHANGES**
- While the Office of Human Resources will make attempts to keep employees informed, individuals also will have a responsibility to seek information.

Holidays 8.9

The College recognizes the following holidays** to be observed by the closing of all departments and offices except where continuous service is essential:

- Independence Day
- Labor Day
- Thanksgiving Day & the day after
- Christmas (24th, 25th, and 26th)*
- New Year's Day
- Martin Luther King, Jr Birthday
- Good Friday (may be revoked as make-up for lost days due to bad weather)
- Memorial Day

*When the College closes for preceding & proceeding days during Christmas and New Years (outside of December 24th, 25th, and 26th) staff will be charged Annual Leave days.

**Special holidays, in addition to the ones listed above, may be granted by action of the President as may be deemed appropriate.

When a holiday falls on a Saturday, the proceeding Friday will be declared a holiday and when a holiday falls on Sunday, the immediate Monday is observed as a holiday. However, for an employee scheduled to work on a holiday that falls on Sunday, Sunday shall be considered the holiday for purposes of granting equivalent time off.

- When a staff member is required to work on any these holidays, equivalent compensating time off is granted on another scheduled workday within one to two months at the convenience of the department.
- When a holiday falls on employees scheduled day off, no additional time off shall be granted in lieu of the holiday.
- Should a recognized College holiday occur during an authorized Annual Leave the holiday would not be charged as a day of time; No holiday shall be recognized during terminal vacation.
- Staff members on a non-pay status immediately before or after a holiday shall not be paid for the holidays.

Due to the needs of scheduling and staffing, staff members who are employed in departments that require seven day a week operation may not be able to observe or be compensated for any special additional holidays that may be designated by the President.

Court and Jury Duty 8.9.1

Jury Duty is recognized as a civic responsibility. Staff members are encouraged to fulfill their obligation with regard to this service as a citizen of the community.

A full-time staff member shall be granted time off to serve on a jury, or to serve as a court witness when subpoenaed, without loss of pay, and without charge against annual vacation.

- The staff member will be permitted to retain his jury duty compensation so as to help defray his expenses while serving on a jury
- The Supervisor may require a copy of the subpoena before approving time off for these purposes.
- If the jury does not require the full workday, the staff member is expected to report to his/her Supervisor when free from such service.

Family/Medical Leave Act 8.9.2

Saint Augustine's College will grant an employee a total of 12 weeks leave in any 12-month period. Leave will be granted for one or more of the following reasons.

1. Because of childbirth to care for a child in the first 12 months after childbirth. The College may require that the leave be taken all at one time.
2. Because of the placement of a child with the employee for adoption or foster care, within the first 12 months of placement. The College may require that the leave be taken all at one time.
3. To care for a spouse, child or parent who has a serious health condition. This leave may be taken intermittently or on a reduced time basis (e.g. by working fewer days in a week or by working fewer hours in a day), but only if such a schedule is needed for medical reasons. A serious health condition is defined as a health condition that involves:
 - Inpatient care in a hospital, hospice, or residential medical care facility;
 - Continuing treatment by a health care provider. The College requires certification from a health care provider about the family member's condition, including a statement from the health care provider saying that the employee is needed to care for the family member and an estimate of the time needed.
4. Because of the employee's own serious health condition, where the employees are unable to perform his/her job. As with a family member's illness, this leave can be taken intermittently or on a reduced time basis if medically necessary to do so.
 - The College requires certification from a health care provider about the employee's condition, including a statement from the health care provider that the employee is unable to perform the function of his or her job.
 - It is the employee's responsibility to obtain medical documentation and provide the College copies prior to use of FMLA.

- In cases where prior certification is not feasible (due to sudden illness, injury or accident), documentation should be provided as soon as reasonably possible. It is also the responsibility of the employee to periodically advise the College of his/her condition during a FMLA absence.

The College requests that the employee substitute any paid sick leave or Annual leave as part of the 12-week period, if such paid leave would otherwise be available. The College also requires, and the employees is expected to give, as much as 30 day's notice of taking such leave, to the extent that advance notice is possible. (e.g., for the expected birth or adoption of a child). Also, if the leave is for planned medical treatment, the employee is expected to schedule the treatment so as to create minimum disruption for the College. The fiscal year is used to calculate Family/Medical Leave.

The following employees will be considered excludable from the Family/Medical Leave.

- An employee with less than 12 months of service with the College.
- An employee who worked less than 1,250 hours of service with the College in the previous 12 months.

If Family/Medical Leave is needed; the employee should notify his immediate Supervisor and complete the Family/Medical Leave Form. The Supervisor, Vice President should sign this form for his/her area. The form should then be attached to a statement from a health care provider (certifying employee's condition) and forwarded to the Director of Human Resources.

ADDITIONAL BENEFITS 9.0

Workman's Compensation 9.1

Accidents are to be reported to the Supervisor immediately, regardless of the severity of the injury sustained. Compensation for temporary total disability resulting from injury shall be approximately 60% of the regular pay. Sick leave and then annual leave may be used to make up the difference between the workmen's compensation payments and total salary until the sick and annual leave is exhausted.

Unemployment Compensation 9.2

The College provides unemployment compensation insurance at no cost to employees. This means that employees qualified for benefits will be protected against loss of salary for reasons other than sickness or injury. Employees should be aware that voluntary termination or discharge for cause is not normally covered by unemployment compensation. Specific qualification requirements for benefits can be obtained from the local Employment Office.

Educational Assistance 9.3

After a minimum of three (3) months of employment with College, full-time employees are entitled to receive up to three (3) undergraduate credit hours per semester for courses provided by the College. Summer School entitlements are not granted. Courses specific to the employee's job may be taken during working hours if the workload permits and approval is granted by the Supervisor and Vice President of Business & Finance. Generally, the employee should seek class times that do not conflict with work schedules.

Tuition Remission 9.4

It is the policy of the College to furnish tuition remission for dependent children (as defined by the IRS) and /or the spouse of faculty and staff for full-time employees after one year of service.

Dependent children and spouse may receive a 60% waiver (as funds permit). In order for a student to receive tuition remission, he/she must maintain satisfactory academic progress.

The request should be presented to the Vice President of Business & Finance prior to the beginning of each semester. This benefit is limited to full-time students in the traditional program for eight (8) semesters. The program covers tuition only, no fees room or board. The benefit will be distributed after all other financial assistance is applied, up to cost only.

Dependent students and/or spouses receiving Saint Augustine's College Tuition Remission must present an approved Tuition Remission Form at the time of registration. Staff receiving tuition waiver must present an approved Request to Attend Class Form at the time of registration.

SERVICES 10.0

Parking Areas and Decals 10.1

Staff members have the privilege of parking in assigned spaces near the main campus buildings when the vehicle has the proper parking decal attached. A nominal charge is made for the use of parking spaces. Parking decals are available in the Campus Security Office and are issued upon payment and should be affixed to all vehicles normally driven to the campus.

ID Cards 10.2

Faculty and staff members may obtain identification cards free of charge from Student Services. ID cards are mandatory and should be obtained within 15 days of date of hire.

Library Privileges 10.3

Faculty and staff members may check out books for two weeks from the Library, and have borrowing privileges from several other libraries in the Raleigh area.

Tickets to Extracurricular Events 10.4

Staff members are admitted with a fee to the College's athletic events held on the College campus. Immediate family members will also be charged for entrance.

Campus Housing 10.5

Saint Augustine's College has several residences for assignment to staff members. Assignment of campus housing is made according to either on a contractual or a "first come, first serve basis." Other specific details are available from the Office of Business & Finance.

Dining Facility 10.6

The "Falcon Crest" cafeteria is located in the Martin Luther King, Jr. Student Union Center. The cafeteria serves breakfast, lunch and dinner, Monday through Friday. These Services are available during the academic year.

GENERAL POLICIES 11.0

Smoking 11.1

The College discourages smoking as both a health risk and a fire hazard. Therefore, all office buildings on campus are considered to be a smoke-free environment. All faculty and staff must smoke in the designated areas.

Personal Appearance 11.2

The College recognizes that different applications regarding professional appearance may be necessary depending on the degree of customer contact, nature of work and safety issues. The final decision regarding appropriate professional appearance is the responsibility of management. Employees are expected to maintain high standards of personal cleanliness and to present a neat, professional appearance at all times. Employees should follow departmental guidelines regarding professional dress standards. Employees who choose to wear fragrances in the workplace are highly encouraged to be aware of the sensitivities or allergies of their coworkers. If an employee is requested by management to return home to change into acceptable attire, accrued annual leave should be used. If accrued annual leave is not available, the employee will not be paid for the time taken to change clothing and return. Repeated violations of this policy could be cause for disciplinary action.

- If a particular job requires that a uniform be worn, the Supervisor will advise the employee of the type. Uniforms may be furnished to service workers. Care should be taken to maintain these uniforms in a presentable manner. When an employee leaves the College, all uniforms should be returned to the Supervisor.

Personal Behavior 11.3

Loud noises should be avoided. Individuals should report to their work area and remain during the workday and avoid going from office-to-office gossiping and reading on other's desks.

Intra-Office Relationships 11.4

Certain dangers exist in forming personal and/or sexual relationships with co-workers, especially when differences of authority are involved (e.g., between supervisor and subordinate). In general, relationships in the workplace between co-workers – especially supervisors and subordinates – may cause uneasiness for others because they send unclear messages about commonly defined professional boundaries. This type of relationship should be avoided. This applies to students as well.

Alcohol and Other Drugs 11.5

The use or possession of alcoholic beverages or drugs not prescribed by a doctor is forbidden on the campus. Employees reporting to duty under the influence of or in possession of alcohol or drugs are subject to immediate dismissal. The cooperation of all employees is necessary to control alcohol, narcotics and drug abuse. You are asked to report any such unusual activity to your Supervisor.

A copy of Saint Augustine's Drug Policy is located in the Human Resources Policies Section of this manual.

Telephone 11.6

PROMPT, courteous answers to telephone calls should be a self-imposed rule. You are a direct representative of the College when you talk on the telephone. It is a good practice to identify yourself and your department when answering or making a call. Personal calls should be limited to two (2) minutes. Remember you are at work and not at home. Long distance calls should be College business-related. Employees charging personal long distance calls to the College will receive disciplinary action up to and including termination.

Personal Mail 11.7

Unless you live on campus and have authorization, personal mail should not be sent nor delivered to you through the campus post office.

Electronic Media Statement 11.8 (E-mail, Cellular Phones, and the Internet)

All electronic media systems including voice mail, text messages, e-mail, the Internet, fax machines, hardware, software, local area networks, files, and all information composed, transmitted, accessed, received or stored in these systems are the property of The Saint Augustine's College. The systems are to be used for conducting College business and the use of this equipment for personal commercial purposes or for personal financial or other gain is strictly prohibited.

These systems are not to be used for soliciting outside business ventures or for soliciting non-College related purposes. However, employees may be permitted to use electronic media systems to participate in generally acceptable solicitations such as United Way or for limited incidental personal use, provided such limited use does not consume a significant amount of computing resources, does not interfere with the performance of the user's job or other College responsibilities, does not interfere with the work of other employees, does not interfere with the computing activity of other users, and does not violate applicable laws, rules, policies, contracts or licenses.

The College may exercise its right to review, audit, intercept, access and disclose all matters on its systems at any time, with or without employee notice, during or after working hours. Employees should have no expectation of privacy in connection with the use of these systems. Further limits (including an absolute prohibition of all personal uses of College-provided computing resources) may be imposed upon personal use in accordance with normal supervisory procedures. Employees should never use another employee's password to access a file or retrieve any stored communication unless authorized to do so.

Bulletin Boards 11.9

Bulletin boards are placed in strategic areas throughout the campus and in each major area of the College to display information of interest to employees. Such boards are intended for official and semi-official information.

Solicitation 11.9.1

Solicitation either by the public in general or among employees is not allowed on the premises of The Saint Augustine's College during scheduled working hours. Prohibited solicitations during scheduled working hours include, the general public selling retail goods to employees or any employee trying to sell any item to another employee or any other solicitation determined to be inappropriate by the College. Regular vendors of the College will conduct their business through authorized College personnel. Employees may participate in

generally acceptable solicitations during their scheduled breaks or lunchtime. College approved functions, such as the United Way Campaign, are exempt from this policy.

Confidentiality 11.9.2

In collecting, maintaining, and disclosing personnel information, the College makes every effort to protect employee privacy rights and interests and prevent inappropriate or unnecessary disclosures of information from any worker's file or record. While complying with governmental reporting and record keeping requirements, the College strives to ensure that it handles all personal and job-related information about employees in a secure, confidential, and appropriate fashion. Therefore, employees should prevent and not participate in the unauthorized access, use, review, disclosure, dissemination, alteration, or destruction of confidential information regarding students, employees or patients. Such confidential information includes, but is not limited to:

- Information from student records in violation of the College's Policy on Confidentiality of Student Records and/or the Family Educational Rights and Privacy Act (FERPA)
- Information from employee records in violation of the College's Personnel File Privacy Policy or state or federal laws.
- Information from internal discrimination/harassment investigations when such information is required to be kept confidential and shared only on a need to know basis.
- Any personally identifiable health information relating to the past, present, or future physical or mental health condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual, in violation of state or federal laws (including but not limited to: HIPAA, ADA, Section 504 of the Rehabilitation Act, or FMLA)

Security 11.9.3

In the event of an emergency, contact The Information Center, where security officers are readily available. The extension may be obtained from your directory.

Licenses and Registrations 11.9.4

When license or registration is required before an employee may perform certain duties, it is the responsibility of the employee to acquire and to renew such items. Failure to renew license or registration could result in termination of employment.

Lost and Found 11.9.5

Articles found on the premises should be turned in to the Supervisor or Supervisor. Valuable items should be reported to the Security Department. Lost items may be handled in the same order.

HEALTH AND SAFETY 12.0

Saint Augustine's College is zealous in its efforts to provide a safe and healthful workplace for employees, pursuant to the occupational Safety and Health Administration policies.

As a result, we are committed to eliminating all recognized safety, health and environmental hazards to avoid susceptibility. To achieve this goal, management is entrusted with the responsibility of obtaining the knowledge and understanding of safety, health and environmental standards developed by our Human Resources Office and Safety Committee.

Each employee is responsible for implementing safe work habits while at work. However, off the job safety is also encouraged. Overall performance in safety awareness will be valued equally with production, quality and costs, thereby demonstrating our commitment for the development of a safe and healthful workplace.

Safe working conditions are extremely important. Each employee is to be given an orientation on safe practices in his/her area by the Supervisor. Each employee should report any unsafe conditions observed to his/her Supervisor. Some examples are: wet or slippery floors; equipment left in a hazardous position; broken equipment: defective electric outlets, etc. For further information, contact the Physical Plant department.

Fire Prevention and Training 12.1

The importance of fire prevention cannot be overly emphasized. Carelessness and thoughtlessness are the two main reasons for fire disasters. Some major fire hazards that employees should report are:

- Cigarettes, cigars or pipe ashes in wastepaper basket or near stacks of paper;
- Inflammable liquids left uncovered after use;
- Smoking in non-smoking areas;
- Accumulation of paper, oily rags in storage of other areas;
- Defective wiring or electrical devices.

Saint Augustine's College has set up fire prevention plans to protect faculty, staff and students, other Human Resources and property. Employees should contact the Physical Plant department regarding the plan for their particular area.

In Case of Fire 12.2

- Avoid panic, move quickly;
- Check fire and judge its size;
- Call to inform the College Operator of the exact location and the extent of the fire;

- Use extinguisher and hoses, as necessary;
- Close windows, doors, and other sources of draft;
- Other fire details will be given during the orientation period and during regular fire drills.

Disaster Plan 12.3

The Physical Plant department will provide the College's disaster plan. The disaster plan is normally discussed during new employee orientation periods.

Inclement Weather 12.4

Management considers no other issue of greater importance than the safety of employees. In the event of inclement weather, it is the policy of Saint Augustine's College to provide the safest work environment possible.

If the College closes or operating hours are adjusted due to the weather, listen to WAUG/AM or television channels WRAL-5, WTVD-11 or NCN-17 for information. You may also call your immediate Supervisor or the Public Safety booth (516-4325) to find out the status of the College operating hours.

- Inclement weather concerns will be discussed during safety meetings.
- Caution signs should be displayed for all slippery areas (i.e., ice, snow, water, etc.)
- If a decision is made to close the College, an announcement notifying all employees will be made.
- Employees should use their best judgment when traveling home.
- When bad weather occurs and creates a hazard in which travel to work is impossible, employees are required to notify their immediate Supervisor or director as soon as possible.
- Each employee should use his/her best judgment when traveling to work. Each employee is required to notify the appropriate College official(s) in the event he/she cannot attend work.

Provisions For Clearing Passageways 12.5

When bad weather conditions create hazardous walking conditions due to snow, sleet, ice, etc., Physical Plant Human Resources will be responsible for clearing all primary walkways, entrances, exits and passageways. Secondary means of entrance and exit will be cleared as well.

Each employee is encouraged to notify the Physical Plant Office immediately of any area(s) requiring the removal of snow, ice debris, etc.

NOTE: In the event the College is closed due to inclement weather, employees required to work in areas where continuous service is needed such as Public Safety, Physical Plant, Student Affairs, etc. may be given compensatory time off for days worked or overtime pay may be given, when necessary. Hourly employees will not be paid for inclement weather absences. Salaried employees should make up work missed within the two-month period immediately following the absences.

OSHA Record Keeping Guidelines 12.6

Basic OSHA (Occupational Safety Hazardous Act) record keeping concepts and guidelines for occupational injuries and illnesses are included with instructions on the back of form OSHA No. 200 (available in the Office of Human Resources). The following summarizes the major record keeping concepts and provides additional information to aid in keeping records accurately.

An injury or illness is considered work-related if it results from an event or exposure in the work environment. The work environment is primarily composed of the employer's premises, and other locations where employees are engaged in work-related activities or are present as a condition of their employment.

When an employee is off the employer's premises, a work relationship when on the premises is presumed. The employer's premises encompass the total establishment, not only the primary work facility, but also areas such as College storage facilities. In addition to physical locations, equipment or materials used in the course of an employee's work are also considered part of the employee's work environment.

Recordable and Non-recordable Injuries 12.7

Each case is distinguished by the treatment provided; i.e., if the injury required medical treatment, it is recordable; if only first aid was required, it is not recordable. However, medical treatment is only one of several criteria for determining recordability. Regardless of treatment, if the injury involved loss of consciousness, restriction of work, promotion, or transfer to another job, the injury is recordable. Listed below are three general categories:

- All work-related fatalities are recordable.
- All work-related illnesses are recordable.
- All work-related injuries are recordable if they require medical treatment or involve loss of consciousness, restriction of work or motion, or transfer to another job.

Reminder:

Work related injuries requiring only First Aid Treatment and that do not involve any of the conditions in Item 3 above are not recordable.

POLICY ON INTELLECTUAL PROPERTY RIGHTS 13.0

General Statement of Purpose 13.1

Saint Augustine's College extends every possible protection to its faculty members, staff members, and students in their production of creative works, as defined by law. The College encourages faculty and staff to engage in innovative curriculum development, scholarly pursuits, and research. The purpose of Saint Augustine's College's Intellectual Property Policy is to define ownership of intellectual property rights and establish procedures for the application of the Policy.

This Policy is intended to maintain traditions that foster the free and open exchange of ideas and follows a basic tenet of the 1940 Statement of Principles on Academic Freedom and Tenure of the American Association of University Professors, "Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends on the free search for truth and its free expression." This Policy shall not abridge the rights of a creator to publish or distribute intellectual property except if the College so requests that the creator agrees to a brief delay in publication or any other type of external dissemination in order to permit the College to secure protections for intellectual property disclosed to it by the creator of the intellectual property.

Works of authorship and artistic expressions protected by this policy include literary, musical, sculptural, dramatic, pictorial, design, scientific, and compositions that are computer readable, computer displayable, video- or sound-recorded. Saint Augustine's College recognizes faculty ownership of copyright in traditional works of electronic and print creation including but not limited to, textbooks, scholarly articles, musical compositions, visual arts, electronic programs, digital course materials, and poems. In essence, professors and staff own the copyright to their own scholarly works unless otherwise established by the author of the work and the College.

Saint Augustine's College retains all copyrights of (1) intellectual property created explicitly in a work-for-hire agreement; (2) its own copyrighted materials generated for use by the College community at the discretion of College authorities; and (3) materials as agreed to by appropriate parties. This policy applies to staff, faculty, and students of Saint Augustine's College. Nothing in this Policy shall constitute a waiver by the College of any rights that the College has under any other College policy.

This policy is effective 1 September 2009. It applies to all intellectual property disclosed to the College on or after 1 September 2009.

Works Subject To Copyright and Patent Protection 13.2

When a work is potentially subject to protection under both copyright law and patent law, the creator will assign copyright to the College. In commercialization of such works, the creator will be compensated in accordance with this Policy.

Compliance 13.3

The College anticipates that members of its community will abide by the principles as set forth in this document. Failure to comply with the provisions of the Policy is a violation of College rules and procedures and may result in discipline of an employee in accordance with applicable College policies and procedures.

Definitions 13.4

a. Definition of College

In this policy, "College" refers to Saint Augustine's College.

b. Definition of Creator

The individual or group of individuals who author, invent, compose, sculpt, paint, draw, program, photograph, or are directly responsible for the creation of any intellectual property as defined by intellectual property statutes shall be referred to in this policy as "creator."

c. Definition of Intellectual Property

"Intellectual Property" refers to materials that may be copyrighted, patented, and/or trademarked. The intellectual property covered by this policy is any invention, improvement, discovery, work of art, or composition of print or electronic media created by an employee of the College. Intellectual property includes, but is not limited to print media such as books and articles, works of visual art, music, instructional materials, tests, research findings, organisms and other biological materials, records of confidential material, bibliographies, syllabi, and theses. Intellectual property may be in the form of computer programs, files (electronic and print), databases, graphics, video and audio recordings, film, slides, transparencies, live video or aural transmissions, and digital images.

i. Copyright

The Copyright Law of the United States protects original works of authorship that are fixed in a tangible medium of expression. Originality means that the work is an independent creation and has not been copied. A work is fixed in a tangible medium when it is sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration. Categories of copyrightable works include literary works; musical works including accompanying lyrics; dramatic works including accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works; motion pictures and other audio-visual works; sound recordings; and architectural works. Copyright protection does not extend to ideas, procedures, processes or other useful articles, although the original manner in which such ideas are expressed are protectable. The Copyright Act grants the copyright owner five exclusive rights: (1) to reproduce the work; (2) to make derivative works based on the work; (3) to distribute copies to the public; (4) to perform the work publicly; and (5) to display the work publicly. These rights may be licensed separately or bundled together by the copyright owner. Copyright ownership in a work is separate from ownership of the tangible object in which the work is contained or otherwise expressed. Copyright ownership initially vests in the creator of the work. The exceptions to this rule are when the work is a work-for-hire or a commissioned work.

ii. Patent

The term "Patent" refers to that bundle of rights that protect (1) inventions or discoveries that constitute any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof; (2) new and ornamental designs for any useful article and plant patents for asexual reproduction of a distinct variety of plant, including cultivated sprouts, mutants, hybrids, and seedlings, other than a tuber propagated plant or plant found in an uncultivated state.

iii. Computer Programs

Computer programs that are part of a new and useful process may be eligible for patent protection. Programs embodying minimally original expression may be eligible for copyright protection.

iv. Duration of Copyrights and Patents

The duration of a copyright (for works created and published after 1 January 1978) is the life of the author plus seventy years. Copyright protection under the Copyright Act attaches as soon as a work is fixed in a tangible medium of expression. There is no need to place a notice on copies or apply to the Copyright Office for registration of an article, but there are benefits in doing so. The duration of a patent is 20 years from the date of the filing of the patent. Actual patent protection begins when the patent issues from the Patent and Trademark Office.

d. Definition of Works-for-Hire

"Works-for-hire" refer to works that are prepared by an employee within the scope of her or his employment at the College. Works also are considered works-for-hire if there is a written agreement between the creator and the College stating that the work is considered a work-for-hire. Work-for-hire means that the College is considered the author of the work.

e. Definition of Commissioned Works

Works of authorship are considered commissioned by the College if their creation is specifically directed by the College for its own use. A commissioned work is one sponsored or co-sponsored by the College where the creator has explicitly agreed in writing to assign ownership and all derivative income from the work and ownership of the work to the College, or the College and the co-sponsor.

f. Definition of Sponsored Research

"Sponsored research" refers to intellectual property created as a result of work conducted under an agreement between an external sponsor and the College that specifies the ownership of such intellectual property shall be owned as specified in said agreement.

g. Definition of Income

"Income" refers to the gross monetary payments that result from the creation of a copyrightable or patentable intellectual property. Tuition and other student fees are explicitly excluded from this policy.

h. Definition of Significant Use of College Facilities

"Significant use of College facilities" refers to extensive unreimbursed use of major College laboratory, studio or computational resources, or human resources. The use of the facilities must be central to the creation of the intellectual property. Incidental use of a facility does not constitute substantial use. Extensive use of a facility commonly available to all employees and students such as the library and offices does not constitute significant use of College facilities. Use is considered "extensive" and facilities will be considered "major" if use of similar facilities would cost the creator more than \$5,000 if purchased or leased in the public market.

i. Definition of Significant Use of College Funds

This phrase refers to funds provided by the College in excess of \$5,000 used to develop a particular intellectual property. A reasonable cost will be assigned by the College to those resources for which a cost figure is not available, such as a portion of a salary, support staff compensation, and other equipment and resources dedicated to the creator's efforts. Resources such as libraries that are available to all employees shall not be counted in the assessment of College funds. The calculation of "significant use of College funds" will be made based on the facts and circumstances of each case of intellectual property.

j. Definition of Instructional Materials

"Instructional materials" are defined as works, other than institutional works, the primary use of which is for the instruction of students.

k. Definition of Course Content

"Course content" refers to the expression of the intellectual content of the course as taught at or through the College.

l. Definition of Courseware

"Courseware" refers to tools and technologies used to present course content including, but not limited to, systems of electronic delivery, recordings, and videotapes. Courseware is independent of the content expressed.

m. Definition of Students

"Students" are all persons enrolled in at least one course at the College and who are acting within the scope of their academic work, including but not limited to; undergraduate, consortium, teacher-licensure only, and non-degree seeking special students. Employment by the College shall not abridge students' rights relating to their academic activities except as may be stipulated in this Policy.

n. Definition of Faculty

"Faculty" refers to members of the College's faculty organization as defined in the *Saint Augustine's College Faculty Handbook*, including but not limited to personnel with full-time and part-time faculty appointments. Staff members who teach credit courses shall be considered faculty in the course of their teaching responsibilities.

o. Definition of Staff

“Staff” refers to any employee of the College other than students and faculty. A student who is also a part-time College employee is bound by this policy for any activity related to employment.

p. Definition of Employee

“Employee” refers to a person compensated for work by the College, including faculty members, staff members, and student workers.

Determination of Ownership 13.5

a. Administrative Activity

The Intellectual Property Council (IPC) is responsible for the implementation and administration of this Intellectual Property Policy. The IPC, in consultation with appropriate bodies, will develop amendments and modifications to this Policy. The IPC will consider notifications of intellectual property and determine the conditions of ownership as set forth in this Policy.

The IPC (1) determines whether to seek intellectual property protection on behalf of the College, and (2) determines whether the intellectual property in which the College holds an interest is marketable, and if so, then takes the appropriate steps on behalf of the College for marketing and licensing the property, including transferring the College’s right to another entity established to manage intellectual property on behalf of the College. The IPC, in consultation with appropriate bodies, shall (1) distribute revenues received as a result of the implementation of this Policy; (2) advise the creator in writing whenever the College does not claim ownership of an interest in an intellectual property of which the creator has notified the College; and (3) interpret the Intellectual Property Policy including, but not limited to, the determination of ownership on intellectual property.

b. Composition of Intellectual Property Council

The IPC shall include the Executive Vice President, Vice President for Academic Affairs, and the Chief Information Officer. The Vice President for Academic Affairs shall serve as the convener and chair of the IPC.

c. Works-For-Hire

The College owns all intellectual property that is a work-for-hire. All works created outside and unrelated to the scope of an employee’s position shall be owned by the employee exclusively.

d. Significant Use of College Resources

The creator owns all intellectual property created without significant use of College facilities, including intellectual property rights in computer software and data bases. Ownership of intellectual property created with substantial use of College facilities, but not directly arising from externally sponsored work, or from work for which the College has declared itself as sponsor, shall be determined as set forth in this policy contingent on whether the creator or the College develops the intellectual property.

e. Sponsored Research and External Funding

Ownership of intellectual property resulting from research sponsored in whole or in part by a federal agency will be treated in accordance with federal law, including The Digital Millennium Copyright Act of 1998, Public Law 96-517, and the Bayh-Dole Act (1980) and appropriate amendments, wherein the federal agency is granted a non-exclusive, nontransferable royalty-free license to any patent generated by the research, provided that the College advises the agency in a timely manner of the intent to elect title to the invention and seek patent protection. The inventor must disclose any potential patentable invention to the College. In accordance with the Bayh-Dole Act, the College will own the invention. Therefore, the inventor will be required to sign the appropriate legal assignment documents upon request by College officials. Ownership of intellectual property resulting from research that is funded wholly or in part by an industrial partner, philanthropic organizations including non-governmental agencies, or by an individual will be determined in advance by a written sponsored research agreement between the College and the funding source. If the College declares itself to be a sponsor, but does not declare itself to be the owner of the intellectual property, ownership will be determined by the following stipulation.

Ownership of intellectual property created with substantial use of College facilities and directly arising from work sponsored under an agreement between an external sponsor and the College, or from work for which the College has declared itself a sponsor, but for which neither the external sponsor nor the College have specified the ownership of resulting intellectual property shall be determined as set forth hereinafter depending on whether the creator or the College develops said property.

f. Commissioned Works

Intellectual property ownership of all commissioned works remains with the College unless the College and the creator stipulate in writing to an agreement to share ownership. Conditions of the shared ownership shall be placed in writing and agreed upon by all appropriate parties.

g. Teaching Materials

i. Traditional Courses

Intellectual property created solely for the purpose of satisfying a course requirement is owned by the creator and not the College unless the creator assigns ownership to the College in writing or assignment of such ownership rights to the College is made a condition for participation in a course. A faculty member has the right to use all expressions of course content and courseware he or she develops or creates in the normal course of teaching or researching at the College. This includes the right to make changes to the works and the right to distribute such works to Saint Augustine's College students, faculty, and other College personnel for teaching, research, and other non-commercial College purposes.

The College claims ownership of intellectual property created in a course that is pursuant to sponsored research or other contractual arrangements with external parties. Ownership will be determined in accordance with the terms of the College's agreement with the external party and applicable law. In order to facilitate joint work on teaching materials and to support collaborative teaching, individuals who contribute teaching materials used in jointly developed

and taught College courses grant a nonexclusive, nontransferable license to the College to permit other contributors to the course materials to continue to use those jointly produced teaching materials in College courses.

A faculty member, staff member, or student may not use the College name, trademarks, or any symbols in the distribution of materials, traditional or electronic, without the written permission of the IPC except as may be implied through use of a pre-existing College owned formats. The College shall not commercialize either institutional or non-institutional course content or courseware without the written agreement of the person or persons who created the course content or courseware.

ii. On-Line Courses

Ownership of digitalized course materials remains with the creator. Faculty, staff, and students shall not license, sell or grant third parties a right to use online course materials that they have created and own and that is technology-mediated by the College when the materials include the name of the College, any College trademarks, service marks, or symbols or any intellectual property of any kind that is owned by the College or the College's agent without the prior approval of the Vice President for Academic Affairs or his/her designee.

iii. Computer Software

A copyright for computer software remains with the creator of the software. If the computer software is patentable, the College will require the creator to transfer the patent rights to the College, provided a significant use of College funds or significant use of College facilities has occurred in the creation of the work or if the software creation is the result of a work-for-hire or commissioned work. If the software is not covered by patent laws, the College does not claim copyright ownership unless there is an independent basis for asserting such rights.

h. Works That Use the College's Name

Use of the college's name, trademark or other identifying symbols in connection with a work, other than identification of the creator as a faculty member, staff member, or student at Saint Augustine's College, is a significant College resource. The College has an interest in such resources and retains the right to approve or disapprove use of its name on any work. Faculty, staff and students may not use the College's name or other identifying symbols in the creation or use of works that might in any way suggest College sponsorship or endorsement where there is none. Any use of the College's name or other identifying symbol in connection with a work created by a faculty member, staff member, or student must be approved in advance by the IPC.

i. Outside Consulting

Consulting for organizations outside the College is encouraged and may be performed by College employees pursuant to applicable College policies. If the employee's obligations under this Intellectual Property Policy conflict with the employee's obligations to the consulting entity, the obligations under this Intellectual Property Policy take precedence. No use of significant College resources, financial support, or other College

employee(s) may be made in the course of outside consulting activities unless prior written approval is granted in advance by the IPC. All consulting must conform to College policies on outside activities and the use of the College's name or other identifying symbols. If a creator does not make any use of College resources in the course of her or his outside activities and complies with other applicable College policies, the College does not assert rights of ownership from such activities.

j. Students

The College retains copyright ownership or patent registration of works created by students when the works are (1) within the scope of an employment relationship with the College or with one of its employees, (2) the result of significant use of College facilities or funds, and (3) created for use and distribution by the College, such as the *Inside Out*, Art and Literary Magazine. Intellectual property produced by students as part of their coursework, theses, and research other than funded research for which the College has obligations to others, is owned by the students. Students who are working on a project governed by a contract or agreement to which the College is a party will be bound by the terms of the contract or agreement. Students who are hired to perform specific tasks that contribute to a copyrightable work or patent will ordinarily have no rights to ownership of that work, regardless of the source of funds from which they are paid.

The party owning the copyright or patent of the work will retain copyright ownership or patent registration of the portion of the work contributed by the student. Student works created with faculty and/or staff that result in copyrightable or patentable materials may be granted the same rights and obligations of copyright ownership or patent as any other College employee working on a project. Students and employees should establish these rights at the outset of their collaboration.

Rights of Ownership 13.6

a. Placing Intellectual Property in the Public Realm

Creators wishing to place their intellectual property in the public domain are responsible for ascertaining that the right to public dedication of the intellectual property is not limited by any external agreement, College sponsorship arrangement, or terms of employment. The IPC will provide such a determination in writing upon request by the creator. It is the creator's responsibility to ensure that disclosure does not include intellectual property owned by others. To facilitate the transfer of intellectual property to the public domain, the creator shall provide the College with a complete description of the articles and documentation of the property to be placed in the public domain, specifically including a copy of the property in the case of printed materials, and complete machine-readable code in the case of software. All such materials provided will be placed in the College library and made available to the public.

The College will provide any member of the general public copies of such material on a cost-recovery basis. If a creator of a work whose copyright is owned by the College, including a creator of a commissioned work or a work-for-hire, requests to make a work freely available to the public through non-commercial licensing or other means, the College, subject to the terms of any applicable agreements with third parties under which the work was created, will accommodate such wishes as long as the College determines that the benefits to the public of making such works freely available outweigh any advantages that might be derived from commercialization.

b. Preserving Rights for the College

Creators shall assign rights in applicable intellectual property to Saint Augustine's College. Creators may not assign, or license rights in, applicable intellectual property to third parties without the written consent of the IPC. The College may acquire ownership or use of intellectual property by assignment, license, gift, bequest, or any other legal means. If the College decides to seek protection of intellectual property, it shall proceed either through its own efforts or those of a private firm or attorney to obtain the protection and/or to manage the intellectual property in the case of a commercialized work. The College retains a royalty-free license to use the intellectual property for non-commercial research and teaching within the College. The College shall receive a share of all proceeds from commercialization of an intellectual property after the creator has recovered documented costs for obtaining legal protection for the intellectual property. On behalf of the College, the IPC shall negotiate with the creator to reach a mutually agreeable distribution of the proceeds in the case of a commercialized work. This agreement shall be placed in writing and submitted to the President of the College. The College shall administer such intellectual property in accordance with this policy unless otherwise required by the terms of the acquisition.

c. Release to the Creator

The College shall negotiate promptly, upon written request by the creator, the transfer to the creator of the College's interest in any intellectual property that it has chosen not to protect or commercialize, subject to any legal obligation to offer its interest to a sponsor, licensee, or other institution with rights to the intellectual property before it can agree to negotiate the transfer of the College's interest in an intellectual property to the creator.

d. Joint Ownership

The College and the creator may negotiate for joint ownership of intellectual property including the distribution of income at the time of disclosure.

e. Income Distribution

Unless otherwise agreed upon in writing by the creator and the College, income, including, but not limited to, royalties, residuals, and licensable revenues, from any intellectual property, shall be distributed as following:

- (1) In cases of commissioned works or works-for-hire: 10% of income to creator 90% to the College.
- (2) In the case of intellectual property where the creation is sponsored in part or in full by a College grant or other direct support such as the significant use of College facilities or significant use of College funds:

For Faculty: Initial \$5,000 to creator; after \$5,000, balance to the College in the amount to cover the original grant or grants, or the College's calculation of net financial value of significant financial resources and /or significant facility resources: After \$5,000 and payment to College to cover costs noted above, 70% to the creator, and 30% to establish and maintain a summer development fund.

For Staff: Initial \$5,000 to creator; after \$5,000, balance to the College in the amount to cover the original grant or grants, or the College's calculation of net financial value of significant financial resources and /or significant

facility resources: After \$5,000 and payment to College to cover costs noted above, 70% to the creator, and 30% to establish and maintain a staff development fund.

For Students: Initial \$5,000 to creator; after \$5,000, balance to the College in the amount to cover the original grant or grants, or the College's calculation of net financial value of significant financial resources and /or significant facility resources: After \$5,000 and payment to College to cover costs noted above, 70% to the creator, and 30% to be distributed to establish and maintain a student research development fund.

(3) In the case of intellectual property where the creation is sponsored by an outside source and where the Policy does not infringe on prior agreements among the creator, the grantor, and the College:

For Faculty: Initial \$5,000 to the creator; after \$5,000, 70% to the creator, and 30% to be equally distributed among the Faculty Development Fund and the Summer Development Fund.

For Staff: Initial \$5,000 to the creator; after \$5,000, 70% to the creator, and 30% to establish and maintain a staff development fund.

For Students: Initial \$5,000 to the creator; after \$5,000, 70% to the creator, and 30% to establish and maintain a student research development fund.

f. Other Intellectual Property

If the College receives income from intellectual property disclosed to and licensed to the College, it may be reasonable to share some portion of the net income with the creator in the form of a bonus, professional development grant, research grant, or other temporary salary supplement. Any such distribution will be made at the discretion of the IPC in consultation with the creator and other appropriate bodies.

g. Right to Publish

Nothing in this policy shall be construed as affecting the rights of a creator to publish, except that the creator must agree to observe a brief period of delay in publication or external dissemination if the College so requests as necessary to permit the College to secure appropriate protections for intellectual property disclosed to it by the creator.

h. Pre-Existing Rights

If the intellectual property is a derivative of a regular academic work product or a course requirement, or otherwise uses pre-existing employee or student owned intellectual property, the employee or student retains all pre-existing rights. If the intellectual property is a derivative of a regular academic work product or a course requirement, or otherwise uses preexisting College-owned intellectual property, the College retains its preexisting rights.

i. Use of Copyrighted Material

The College is committed to complying with all applicable laws regarding copyright as codified at Title 17, United States Code, and Sect. 101 et seq. As an institution devoted to the creation, discovery and dissemination of knowledge, the College supports the responsible, good faith exercise of full fair use rights as codified in law. All faculty, staff, and students are responsible for complying with College guidelines regarding

the fair use of copyrighted materials and for complying with the requirements of copyright law, including obtaining required permissions to use copyrighted materials. Faculty, staff, and students shall not exercise any rights under copyright law in works owned by others unless they have prior written permission of the copyright holder, the work is in the public domain, or the use of the work qualifies as fair use under copyright law.

For clarification and application of the College's policy on use of copyrighted material, please see *Saint Augustine's College Copyright and Fair Use Guidelines*.

j. Infringement

Determination of whether a specific use of copyrighted work constitutes copyright infringement will be made by the appropriate College agency. Students are subject to the terms of the Academic Honor Code and the Student Conduct Code. The IPC, in consultation with appropriate others; will determine whether infringement has occurred in the case where faculty and/or staff are involved. The IPC will attempt to achieve remedy, resolution, or legal action.

Procedures 13.7

a. Implementation of Policy

The IPC has the authority and responsibility for implementation, coordination, and general administration of this Policy. Subject to other provisions of this Policy and applicable law, the IPC may enter into agreements with creators with respect to ownership, licensure, and disposition of intellectual property, disposition of income, resolution of disputes, and all other matters related to intellectual property in which the College has an interest under this Policy except in cases of dispute appeals. The IPC has the authority to seek protection under copyright, trademark, and/or patent laws, and enforce, defend, manage, and take any action relevant to the College intellectual property rights necessary for the proper administration of this policy. The IPC is the initial point of contact for intellectual property issues at the College.

b. Disclosure

Creators shall disclose promptly to the College any applicable intellectual property in which the College may have an ownership interest. Disclosure shall be made on an Intellectual Property Disclosure Form to the IPC, with copies to the employee's immediate supervisor and area Vice President. Premature or inappropriate disclosures may defeat legal protection of intellectual property. The College and the creator will collaborate to facilitate scholarly disclosures and the acquisition of appropriate intellectual property protection.

c. Agreements

All agreements for release to a creator of a work shall include provisions that (1) the College will have a non-transferable, royalty-free license to use the work for the College's own educational or research use, and (2) if commercialization of the work generates income as indicated in section VI. f.

d. Assignments to the College

All assignments must be in writing and conform to the requirements of this Policy. Creators of intellectual property shall assist as reasonably possible in the execution of appropriate assignments and other documents required to set forth effectively the ownership of, and rights to, applicable intellectual property. The College

may, at its sole discretion, permit the creator to assign or license intellectual property. The College may not withhold consent for assignment or licensing unreasonably and in no case unless the College intends to pursue protection for the intellectual property.

e. Copyright Agreement

This Intellectual Property Policy constitutes an understanding that is binding on the College and on its faculty, staff, and students and others covered as conditions of their participating in College educational programs and research or their use of College facilities or resources.

f. Creator's Obligations Regarding Copyrights

Creators of applicable intellectual property shall assist as reasonably necessary for the College to obtain statutory protection for the intellectual property and to perform all obligations to which it may be subject concerning the intellectual property, including executing appropriate assignments and other documents required to set forth effectively the ownership of and the rights to applicable intellectual property. The creator retains responsibility for stewardship of her or his intellectual property. The creator has the right to be identified, or to refuse to be identified, as the creator by the College and by subsequent licensees and assignees, except as may be required by law. The creator retains the rights to pursue related research and creative activities, determine methodologies, draw conclusions, disseminate information, and develop related intellectual property, including derivative works, except to the extent that the creator has voluntarily entered into contractual arrangements or is required by legal or professional considerations to do otherwise.

g. Release to Creator

Subject to the terms of any applicable agreements with third parties under which the work was created, the College will consider a request by the creator to transfer copyright ownership in the work to the creator, subject to an irrevocable royalty-free license to the College to use the work for its own non-commercial purposes. Such a request must be approved by the IPC and will be conditioned upon reimbursement to the College by the creator for expenses the College has incurred in connection with the work. The College will act as expeditiously as possible in considering such requests by creators.

h. Dispute Resolution

Questions of interpretation or claim arising out of or relating to this Policy, or dispute as to ownership rights of intellectual property under this Policy, will be settled through the following procedures:

i. Informal Means

Parties must attempt to resolve any issue or disagreement through all possible informal means available before proceeding to formal mechanisms of resolution.

ii. Formal Means

If, after all informal means of dispute resolution have been undertaken and the aggrieved party is not satisfied with the outcome, the aggrieved party shall submit a letter setting forth the issue to be resolved to the President of the College who shall convene an Intellectual Property

Adjudication Committee. The Committee will review the matter and advise the parties of its decision by written communication within 30 days of the submission of the letter.

iii. Composition of Committee

The Intellectual Property Adjudication Committee will consist of the Chair of the Academic Policies Committee, the Assistant Vice President for Academic Affairs, the Chief Information Officer and two members of the College staff to be appointed by the President. The Chair of the Committee shall be the Chair of the Academic Policies Committee.

i. Special Cases

In cases that are not specifically covered by this policy, the IPC, in consultation with appropriate bodies, may make decisions on how to proceed and then report those decisions to the President. All such decisions will then be reviewed by the IPC and may result in possible modifications to the Policy. In the event of exceptional circumstances, deviations from this Policy require the written consent of the IPC.

j. Annual Report

The IPC shall submit a written report annually to the President on intellectual property activity at the College. The report shall include data for the preceding year on disclosures, copyright applications, copyrights granted, patent applications, patent awards, license revenue, and expenditures related to intellectual property.

Notification 13.8

The College shall inform all persons subject to this Policy of its terms and subsequent modifications as soon as possible after its adoption and at regular intervals thereafter. This Policy is maintained by the IPC.