



Personnel Policies Manual

KILGORE COLLEGE POLICY MANUAL

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1. COMPENSATION AND BENEFITS

1.1 SALARY

Contract employees will be paid according to their contracts. At-will employees will be paid as agreed upon according to the payroll schedule dates published in the Kilgore College Procedures Manual. All regular, full time faculty and staff, regardless of length of employment assignment, will have their approved salary paid evenly over 24 pay periods beginning September 1 and ending August 31 of each fiscal year. If a regular, full time faculty or staff member is employed after the start of a fiscal year, his/her approved salary will be spread evenly over the pay periods remaining in the fiscal year.

1.2 FRINGE BENEFITS

College financed insurance programs are provided for full time employees as listed below. Less than full time employees, hired on or after September 1, 2003, are not eligible for college financed fringe benefits.

1. Health insurance - The state shall provide major medical benefits for each full-time employee and each eligible retired employee.
2. Term life insurance and accidental death and dismemberment coverage - The College shall provide an amount equal to three times the annual salary for each eligible full-time employee at no cost to the employee subject to ERS approval. Coverage is reduced beginning with age 70. Retirees are provided \$2,500 term life insurance with no cost to the retiree.
3. Long-term disability insurance - The College shall provide each eligible employee a long-term disability insurance policy. Disability coverage is 60 percent of an employee's salary, with a maximum payment of \$3,000 per month after a 90-day waiting period and in effect to age 70.

Optional benefit choices:

Each eligible employee may supplement state/College-funded benefits with additional coverages by voluntarily selecting optional benefits at a group rate. Options include the following:

- Health insurance (dependent cost).
- Optional term life insurance.
- Dependent term life insurance.
- Dental insurance - Dental Maintenance Plan or Indemnity Dental Plan.
- Voluntary additional accidental death and dismemberment insurance (AD&D).
- Short-term disability.
- Long term care insurance.

Other benefit funding alternatives:

The state shall provide employee reimbursement accounts (TEX FLEX) which meet the standards set forth in the Internal Revenue Code, Section 125.

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Through the reimbursement accounts an eligible employee may elect to place (by salary reduction) a portion of gross monthly salary (pre-tax) into special accounts at the beginning of each year. The designation of these funds must be predetermined to fund certain allowable expenses that qualify as nontaxable under the Internal Revenue Code.

Eligible expenses are:

- Unreimbursed medical/dental expenses.
- Child/dependent care expenses.
- Employee-funded insurance premiums.

1.2.1 ADJUNCT FACULTY

Adjunct faculty may be eligible to participate in the group benefits program as an employee if the faculty member:

- (1) receives compensation for services rendered to a public institution of higher education as an adjunct faculty member;
- (2) has been employed as a faculty member by the same public institution of higher education and has taught at least one course in each regular fall and spring semester at the public institution of higher education in each of the preceding three academic years; and
- (3) is scheduled to teach at least 12 semester credit hours in the academic year of coverage.

1.2.1.1 FUNDING OF BENEFITS

The institution does not fund any portion of the group benefits program for adjunct faculty; thus, the employee is responsible for the timely payment of all premiums.

1.2.1.2 ELIGIBILITY DETERMINATION

The institution will consider adjunct faculty eligibility for the group benefits program in September and January of each academic year.

1.3 EXTERNALLY FUNDED GRANTS AND CONTRACTS

Summer salaries paid from grant and contract funds, salary supplements paid from grants during the regular academic year, and fees for consultative services provided by faculty members shall be for work done outside of regular working or office hours. Reimbursement for these duties will be made periodically through special payroll which is disbursed on the last working day of the month.

Administration of all grants will be coordinated through a central administrative office.

1.4 TUITION GRANTS FOR FULL-TIME EMPLOYEES AND RETIREES

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Tuition grants are available to all full-time employees and retirees for enrollment in courses taught by the College. The following guidelines will be followed in the enrollment and consideration of approval for tuition grant courses:

1. The course(s) to be taken should not conflict with the employee's official work day, unless otherwise approved by the employee's supervisor and appropriate administrator.
2. The employee will be limited to a maximum of two credit courses per semester, unless otherwise approved by the employee's supervisor and appropriate administrator.
3. The enrollment of an employee in a course as a tuition-grant student will not be a factor in determining if the course is offered. The course must have sufficient tuition-paying students to justify its offering. Courses will be canceled in the absence of a sufficient number of tuition-paying students.

1.4.1 ENROLLMENT IN VIRTUAL COLLEGE OF TEXAS COURSES

Given that the college must pay an instructional lease fee to offer Virtual College of Texas (VCT) courses, enrollment in such courses under the auspices of the tuition grant program will be permitted only in the following circumstances:

1. The employee or retiree reimburses the college the amount of the VCT instructional lease fee; or
2. The employee or retiree pays the actual Kilgore College tuition and fees for the course.

Thus, the tuition grant program will pay for the Kilgore College tuition and fees or the VCT instructional lease fee, but not both.

1.5 ADMISSION TO ATHLETIC CONTESTS AND FINE ARTS EVENTS

Each full-time employee will be provided complimentary general admission to football and basketball games played at home. In addition, each full-time employee will be provided two tickets to the majority of fine arts events as well as two tickets to Rangerette Revels and many of the East Texas Enrichment Series events.

1.6 EMPLOYEE DEPENDENT CHILD SCHOLARSHIP

Dependent children of full time employees may be eligible to receive an institutional scholarship in an amount equivalent to the in-district tuition and general education fee costs. Application for this scholarship and eligibility determination must occur annually.

Basic requirements for scholarship eligibility include:

1. Prospective scholarship recipients must file the annual FAFSA application and receive their SAR before scholarship eligibility can be determined.

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NOTE: Students claiming independent status when filing their FAFSA have waived their dependency rights and are not eligible for this scholarship. Dual credit/early admission students need not file the FAFSA.

2. “Dependent children” of full-time employees who have a minimum of one year of service at Kilgore College will be considered eligible for this scholarship.
3. This scholarship will have the following limitations:
 - A. A maximum of 62 attempted semester credit hours (or equivalent continuing education certificate hours) will be covered.
 - B. Typically, participants will be limited to one degree or certificate.
 - C. Only in-district tuition and general education fees will be paid; out-of-district fees, course specific fees, books, uniforms, supplies, etc. will not be covered.
 - D. This will be a non-liquidated scholarship; thus, no cash will accrue to the student.
 - E. Students will be required to maintain a 2.5 grade point average each semester to retain the scholarship.

In order to maintain consistency between financial aid programs, dependency must be documented through one of the following means:

1. The student is claimed as a dependent on the employee’s most recent IRS tax return; or
2. The student is covered by the employee’s Kilgore College sponsored insurance plan; or
3. The employee is currently paying child support to/on behalf of the student; or
4. The student lists dependency to the employee on his/her FAFSA application.

Employees who do not meet the eligibility requirements but who have extenuating circumstances may request a review of their eligibility status by completing a review request form.

For more information on this employee benefit, please contact the Financial Aid Office.

2. COMPENSATION AND BENEFITS: LEAVES AND ABSENCES

2.1 PAID LEAVE TIME

Each full-time employee shall be granted one day per scheduled work month as paid leave time each year. This leave shall be earned by the employee and credited to the employee’s account on a monthly basis. Leave days may accumulate to 90 days.

Leave time is an employee benefit, not an entitlement. Employees have no property right to accrued personal leave time should the employment relationship cease. Paid leave time for an FMLA qualifying purpose will run concurrent with the FMLA leave.

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2.1.1 USE AND RECORDING

Leave time may be used for personal illness, illness of close relatives, and bereavement. Two days of leave for nine-month employees and three days for all other employees may be used for personal business providing that the employee secures advance approval of his or her immediate supervisor.

Leave time may also be used for first-year care following the birth or adoption of an employee's son or daughter or the placement of a child with the employee for foster care.

Employees shall be charged leave time as used even if a substitute is not employed. Leave time shall not be approved for more workdays than have been accumulated in prior years plus those to be earned during the current year.

Any absence from duty must be reported on the absence from duty form on the first day back to duty following the reported absence. Leave time shall be recorded in whole workdays and half workdays only.

Any other leaves granted or days of absence shall result in a deduction of the daily rate of pay for each day of absence, unless otherwise provided.

2.1.2 MEDICAL CERTIFICATION

An employee absent three or more consecutive workdays because of personal illness shall submit, upon return to work, a medical certification of illness and of his or her fitness to return to work. An employee absent three or more consecutive workdays because of illness in the immediate family shall present, upon return to work, medical certification of the family member's illness.

Medical certification shall be made by a health care provider as defined by the Family and Medical Leave Act.

Employees returning to work after three or more consecutive days absent due to personal or family illness who do not present a medical certification of the illness will be docked pay for those days. The employee will also be subject to sanctions under the "Absence Control" policy.

2.2 CATASTROPHIC SICK LEAVE POOL

The Kilgore College Catastrophic Sick Leave Pool is funded "by employees for employees" and is administered by the Office of Human Resources. The sick leave pool exists and continues through the generosity and deposits of full-time Kilgore College employees.

The pool is a secondary source of paid sick leave available to full-time employees who have exhausted all other paid leave (i.e. vacation, sick, etc). Qualifying rules and necessary application forms pertaining to the pool are available from the Office of Human Resources.

2.3 ABSENCE CONTROL

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Attendance is an essential job function of every position at Kilgore College. Unacceptable absenteeism may lead to termination. Individuals whose employment is terminated under this policy may, after 45 days, apply for any position within the institution which is available.

1. If an employee does not report to work and does not call in to report his or her absence to the immediate supervisor within the first hour of the scheduled work period, he or she will be in violation of the Absence Control Policy.
2. An employee with more than five days of unpaid absence in any twelve month period (calculated from the last date of unpaid absence), excluding FMLA leave, will be in violation of the Absence Control Policy.
3. Any Kilgore College employee who is absent from work for more than six consecutive months for any reason other than jury duty, military leave, or sabbatical leave will be in violation of the Absence Control Policy.

Kilgore College reserves the right to waive the requirements of this policy when granting reasonable accommodations under the Americans with Disabilities Act.

2.4 FAMILY AND MEDICAL LEAVE

All regularly employed personnel are covered by the Federal Family and Medical Leave Act and may be eligible for benefits under the provisions of the act. An employee must work for the College for 12 months and at least 1,250 hours to be eligible for leave under the Family and Medical Leave Act.

The 12-month period within which employees shall be eligible for 12 weeks of family and medical leave shall be defined as a rolling 12-month period that checks the 12 months previous to the request to ensure that the leave time has not already been used.

2.4.1 CONCURRENT USE OF LEAVE

Except for employees who are receiving workers' compensation wage benefits, the College shall require the use of all applicable leave concurrently with the family and medical leave.

2.4.2 COMBINED LEAVE FOR SPOUSES

If both spouses are employed by the College, combined family and medical leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition may be limited to a combined total of 12 weeks as determined by the needs of the College.

2.4.3 INTERMITTENT LEAVE

Intermittent leave shall not be permitted for the birth of the employee's child or the adoption or placement of a child with the employee.

2.4.4 CERTIFICATION OF ILLNESS

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Upon request for family and medical leave for the employee's serious health condition or that of a spouse, parent, or child, and at 30-day intervals thereafter, the employee shall provide medical certification of the illness or disability.

2.4.5 MEDICAL RELEASE

The employee's request for reinstatement shall be accompanied by medical certification of the employee's ability to perform essential job functions.

2.4.6 RESIGNATION

If, at the expiration of the family and medical leave, the employee is able to return to work but chooses not to do so, the College shall require reimbursement of the employee benefits contribution made by the College during the period in which such leave was taken as unpaid leave.

2.5 JURY DUTY

An employee shall be granted leave with pay and without loss of accumulated leave for jury duty. The employee shall be required to present documentation of the service and shall retain any compensation for this service.

2.6 OTHER COURT APPEARANCES

Absences for court appearances related to an employee's personal business shall be deducted from the employee's personal business leave or shall be taken by the employee as leave without pay.

2.7 WORKERS' COMPENSATION

Kilgore College has workers' compensation insurance coverage to protect employees in the event of work-related injury or illness. An employee or a person acting on the employee's behalf must notify the employer of an injury or illness not later than the 30th day after the date on which the injury occurs or the date the employee knew or should have known of an illness, unless the Commission determines that good cause existed for failure to provide timely notice.

2.8 SABBATICAL LEAVE

Sabbatical leave is release time for a non-grant funded faculty member, counselor, librarian or contract employee from his or her responsibilities for the purpose of improving his or her overall competency, expertise, and value to the College, to the students, and to himself or herself. Any eligible employee who has satisfactorily completed five consecutive years of full-time service at the College may request to participate in the sabbatical leave program. Employees may make application during the fifth year of service for leave to begin the following year. No more than two faculty members and one professional employee will be granted sabbatical leave in any

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given year. If granted a sabbatical, the employee must agree, in writing, to return to Kilgore College for the school (or contract) year immediately following the leave and to serve a second year if tendered a contract or requested by the College. If the employee does not fulfill this agreement, the employee will repay to Kilgore College all money paid the employee while on leave. Further details are available on the "Application for Sabbatical Leave" form found in the Office of Human Resources.

The Board may grant sabbatical leave to a faculty member for one academic year at one-half salary or for one semester at full salary. Eligible non-faculty employees may receive up to three months of leave at full salary. These three months will generally coincide with the summer months and will be equivalent to, and a substitute for, the faculty member's leave of one academic year or one semester. A semester for sabbatical leave is defined as either a fall or spring semester.

3. COMPENSATION AND BENEFITS: VACATIONS AND HOLIDAYS

3.1 HOLIDAYS

Recognized holidays* shall be as follows:

- | | |
|-------------------------------|---------------------|
| 1. Labor Day | 5. Spring Break |
| 2. Thanksgiving | 6. Good Friday |
| 3. Christmas - New Year's Day | 7. Memorial Day |
| 4. Martin Luther King Day | 8. Independence Day |

The majority of full time Kilgore College employees shall observe the above listed holidays in conjunction with the official College calendar published in the College catalog. *Certain departments on campus such as maintenance, the police department, the Fitness Center, East Texas Oil Museum, and others may observe different holiday schedules due to the nature of their jobs. Regardless of the scheduling methodology, all full time employees of the College will receive an equivalent number of holiday days.

3.2 VACATIONS

Paid vacation time is provided to all full time, twelve-month employees and is credited to employees using the formula of .833 days per month. Thus, twelve-month employees shall be entitled to ten working days paid vacation each contract year. Twelve-month employees working less than a full contract year will be entitled to a pro rata share, in one-half day increments, of the ten working days.

Annual vacation time is awarded on September 1 of each year or the employee's first day of work, whichever is appropriate, and should be taken by the end of the fiscal year (August 31). An employee may carryover up to 5 days of unused vacation time each year; however, any unused vacation time in excess of 5 days will be lost.

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4. STATUS OF EMPLOYMENT: EVALUATION

4.1 GENERAL PRINCIPLES

All College employees shall be periodically appraised in the performance of their duties. The College's employee evaluation and appraisal system shall be administered consistently with the general principles set out below.

4.2 CRITERIA

The employee's performance of assigned duties and other job-related criteria shall provide the basis for the employee's evaluation and appraisal. Employees shall be informed of the criteria on which they will be evaluated.

4.3 PERFORMANCE REVIEW

Evaluation and appraisal ratings shall be based on the evaluation instrument and cumulative performance data gathered by supervisors throughout the year. Each employee shall have at least one evaluative conference annually (or bi-annually for some faculty members) to discuss the written evaluation and may have as many conferences about performance of duties as the supervisor deems necessary.

4.4 DOCUMENTATION AND RECORDS

Appraisal records and forms, reports, correspondence, and memoranda may be placed in each employee's personnel records to document performance. All records that support appraisal ratings shall be maintained for at least four years. Official appraisal records, including any disciplinary records, shall be maintained throughout a person's employment with the College and for four years after an employee terminates employment with the College.

4.5 EMPLOYEE COPY

All employees shall receive a copy of their annual written evaluation.

4.6 COMPLAINTS

Employees may present complaints regarding the evaluation and appraisal process in accordance with the College's complaint policy for employees. [See Policy Section 10]

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5. RETIREMENT PROGRAMS

5.1 RETIREMENT

Upon official retirement, an eligible employee shall be paid one month's salary or one-half of his or her accumulated leave time, whichever is greater. "Eligible employee" means an individual who meets all of the following criteria:

- A. Employee has a minimum of ten years of full-time service to Kilgore College.
- B. Employee meets the minimum age plus service requirements to receive TRS retirement benefits (regardless of retirement plan chosen). Currently, employees must minimally be at least 50 years of age and have 40 or more years of service, or be 65 years of age or older and have 10 or more years of service in order to qualify for retiree benefits.
- C. Employee meets the minimum age plus service requirements to receive retiree health insurance from ERS.
- D. Employee files the appropriate requests for retirement forms with their retirement plan carrier.
- E. Employee's position is non-grant funded.

Retiring employees shall also be paid for any vacation leave which has been earned but not been used during the year of the retirement.

5.2 RETIREMENT PROGRAM FOR PART-TIME EMPLOYEES

All part-time, non-student employees who are not 1) currently participating in a TRS or ORP retirement plan at their place of full time employment; or 2) currently receiving a retirement pension from TRS or ORP shall participate in an I.R.C. Sec. 457 retirement program selected by the College. Student workers who are currently enrolled as full time students are exempt from participation.

5.3 REEMPLOYMENT AFTER RETIREMENT

Individuals retiring from Kilgore College will be considered for reemployment following official retirement from the institution in both full time as well as part time positions, subject to the following provisions.

5.3.1 STATUS OF THE REEMPLOYED RETIREE

All Kilgore College retirees returning to employment with the college following official retirement from the institution will be classified as non-contractual, at-will employees regardless of the position held.

5.3.2 POSITION AVAILABILITY IMMEDIATELY FOLLOWING RETIREMENT

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In some cases, a Kilgore College employee makes the decision to retire, but desires to return to immediate college employment following the mandatory retirement system “waiting period” (currently one day for ORP participants and one month for TRS participants). Kilgore College will consider the retiree for reemployment in vacant, available positions. It must be noted, however, that upon each position vacancy, Kilgore College assesses whether to maintain that position in the budget. Thus, there is the chance that a position would be eliminated upon the incumbent’s retirement. Given this, Kilgore College will not guarantee the retiree’s return to the same or any position, to the same salary level, to the same seniority level, or to the same benefit level held prior to retirement. As a condition of reemployment, the retiree will be required to execute a release/waiver of any claims against Kilgore College arising from the reemployment.

5.3.3. POSITION AVAILABILITY FOLLOWING A PERIOD OF RETIREMENT

In situations where a retiree has had a true retirement break in service and then decides to return to employment, Kilgore College will consider the retiree for reemployment in vacant, available positions just as any other applicant.

5.3.4 SALARY COMPUTATIONS FOR THE REEMPLOYED RETIREE

For salary computation purposes, individuals who return to employment after retirement will be considered a “new employee.” This impacts post-retirement salary computation in three areas.

First, salary computations will be based on the post-retirement position being assumed and that position’s current target salary or wage formula, regardless of whether it is the same position held prior to retirement. Pre-retirement salary levels will have no impact on salary computations for the reemployed retiree. It must be noted that upon each position vacancy, the salary level for that position is reviewed and recomputed. Thus, a salary may be adjusted, either up or down, based upon current pay policies.

Second, the reemployed retiree will enter the appropriate salary system for the assumed position at the entry level. Years of Kilgore College service prior to retirement will be considered to be “previous employment” and used as such for salary computations. For example, faculty members will be able to use past Kilgore College years of service as “previous employment years” up to the current maximum of 10 years. Non-faculty employees will enter the broadbanding salary system at the entry level in place at the time of reemployment (currently 80-85% of the position’s target salary).

Finally, pre-retirement years of service will not be credited towards any longevity pay system.

5.3.5 BENEFITS ELIGIBILITY

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Because Kilgore College retirees are covered under the Employees Retirement System of Texas' (ERS) retiree insurance program and because ERS operates under the premise of "once a retiree, always a retiree," KC benefits available to a reemployed retiree assuming a full time position will be limited to accrual of vacation time (if appropriate), accrual of personal leave, paid holiday leave time, fitness center membership, and employee and dependent child tuition scholarships. Reemployed retirees are no longer eligible for benefits such as retirement contributions, TexFlex participation, short term and/or long term disability insurance, employee life insurance, or AD&D insurance.

In addition, upon terminating employment from Kilgore College after a period of post-retirement reemployment, employees will not be eligible for a second accumulated sick leave payout. This payout is currently set to equal one half of accumulated sick leave or one month's salary, whichever is greater.

6. TERMINATION OF EMPLOYMENT: DISMISSAL

6.1 TERM CONTRACTS: DISMISSAL

Termination of a term contract shall not be based on an employee's exercise of rights guaranteed by the Constitution, issues related to academic freedom, or be based unlawfully on an employee's race, color, religion, sex, national origin, disability, or age.

6.1.1 TERM CONTRACTS: NOTICE OF DISMISSAL

Before any contract employee is dismissed, the employee shall be given reasonable notice in writing of the proposed action and the grounds, set out in sufficient detail to fairly enable him or her to show any error that may exist.

6.1.2 TERM CONTRACTS: HEARING

If, upon receipt of written notification of a recommendation for dismissal, the contract employee desires to be heard and to contest the proposed action of the Board, he or she shall give the Board written notice. The hearing shall be set on a date that affords the employee reasonable time to prepare an adequate defense.

The Board will conduct the hearing in closed session unless the employee requests a public hearing, in which case the hearing shall be open to the public.

At the hearing before the Board, the employee may employ counsel. The employee also has the right to hear the evidence upon which the charges are based, to cross-examine all adverse witnesses, and to present evidence why the proposed action should not be taken. Prior to dismissal, the Board shall determine the existence of good cause for termination. Such determination shall be based solely on the evidence presented in the hearing.

6.2 NONCONTRACT EMPLOYMENT: DISMISSAL

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Noncontractual employees who are dismissed may request review of that decision by filing a written complaint within five days to the College President. The College President shall respond in writing within ten working days. The employee may also request an appearance before the Board. An appearance before the Board is defined as an opportunity for the employee to address the Board in closed session within a time limit specified by the Board. The Board may or may not respond to the employee. The Board shall not take any action on the item unless it is posted on the Board agenda. [See Policy Section 7.2]

7. TERM CONTRACTS: NONRENEWAL

Employees' contracts may be nonrenewed at the end of their contract terms for any reason or no reason. Nonrenewal shall not be based on an employee's exercise of rights guaranteed by the Constitution, issues related to academic freedom, or be based unlawfully on an employee's race, color, religion, sex, national origin, disability, or age.

7.1 NOTIFICATION

The College will make best efforts to notify an employee of its intent to nonrenew his or her contract by March 1 of each year. However, the College's failure to notify the employee by this date does not renew the employee's contract, create a property right in continued employment at the College, or create a new employment contract, either express or implied.

7.2 BOARD APPEARANCE

An appearance before the Board is defined as an opportunity for the employee to address the Board in closed session within a time limit specified by the Board. The Board may or may not respond to the employee. The Board shall not take any action on the item unless it is posted on the Board agenda.

The employee may request an appearance before the Board provided that a request for such appearance is made in writing to the College President within ten days of the employee's receipt of the letter of nonrenewal. The College President shall notify the employee of the date of the appearance. Notice shall be given at least ten days prior to the scheduled appearance.

8. TERM CONTRACTS: REDUCTION IN FORCE

8.1 DEFINITIONS

Definitions used in this policy are as follows:

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1. “Reduction in force (RIF)” means the dismissal of an instructor, administrator, or other professional employee before the end of a contract term for reasons of financial exigency or program change. Nonrenewal of an employee’s term contract is not a “reduction in force” as used in this policy.
2. “Financial exigency” means any decline in the Board’s financial resources brought about by decline in enrollment, cuts in funding, decline in tax revenues, or any other actions or events that create a need for the College to reduce financial expenditures for personnel.
3. “Program change” means any elimination, curtailment, or reorganization of a curriculum offering, program, or school operation because of a lack of student response to particular course offerings, legislative revisions to program funding, or a reorganization or consolidation of two or more divisions or departments.

8.2 GENERAL GROUNDS FOR DISMISSAL

All contracts shall, unless excepted by the Board, contain a provision that a reduction in force may take place when the Board determines that a financial exigency or program change requires that the contract of one or more instructors, administrators, or other professional employees be terminated. Such a determination constitutes the necessary cause for dismissal.

8.3 EMPLOYMENT AREAS

A reduction in force may be implemented in one, several, or all employment areas. Employment areas shall be defined as:

1. Administration.
2. Associate degree programs.
3. Certificate programs.
4. Remedial and other programs.
5. Academic support programs, such as library or computer programs.
6. Counseling and support programs.
7. Other non-instructional professional staff.

8.4 CRITERIA FOR DECISIONS

Using the following criteria, the College President shall determine which particular employees shall be RIFed and shall submit the recommendation to the Board.

1. Certification: Minimum necessary degree, certificate, and/or endorsement for current assignment required by the Southern Association of Colleges and Schools or the Texas Higher Education Coordinating Board and those minimum necessary requirements and qualifications for current assignment.
2. Performance: Employee’s effectiveness as reflected by the most recent written evaluations and/or other appraisal documentation.

8.5 BOARD ACTION

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After considering the College President's recommendation, the Board shall determine which employees shall be dismissed. The employee shall be given a statement of the reasons and conditions requiring such dismissal and shall be given a chance to respond in writing and have an appearance before the Board, if requested. Appearance before the Board is defined in Policy Section 7.2.

8.6 RIGHTS OF EMPLOYEES SUBJECT TO RIF

An employee dismissed pursuant to this policy, if subsequently re-employed by the College, shall be credited with the amount of leave time that had accrued at the time of dismissal.

8.6.1 RE-EMPLOYMENT

Upon written request, an employee dismissed pursuant to this policy shall be notified in writing of any subsequent availability of the position, for a period of one calendar year following the effective date of such dismissal. The notice shall be mailed to the address that was on file for the former employee at the time of dismissal, unless the College has been notified in writing of a change of address. A former employee so notified must respond to the Board in writing within ten calendar days of receipt of such notification if the person wishes to be considered for the position. Any individual who responds shall be considered for employment on the same basis as all other applicants.

9. PERSONNEL-MANAGEMENT RELATIONS: SUSPENSION

9.1 TERM CONTRACTS: SUSPENSION WITH PAY

A term contract employee may be suspended with pay by the College President or designees during an investigation of alleged misconduct by the employee or at any time the College President or designee determines that the College's best interest will be served by the suspension.

9.2 TERM CONTRACTS: SUSPENSION WITHOUT PAY

A term contract employee may, for good cause, be suspended without pay for a definite period of time set by the President, provided that the employee has been given notice of the allegations constituting good cause for the suspension and has had a chance to respond to the allegations.

9.3 NONCONTRACT EMPLOYMENT: SUSPENSION WITH OR WITHOUT PAY

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A noncontract employee may be suspended with or without pay by the College President or designee during an investigation of alleged misconduct by the employee or at any time the College President or designee determines that the College's best interest will be served by the suspension.

10. PERSONNEL - MANAGEMENT RELATIONS: EMPLOYEE COMPLAINTS

10.1 PURPOSE

The purpose of this policy is to provide a timely and orderly process for the resolution of employee complaints. The Board intends that, whenever feasible, complaints be resolved at the lowest possible administrative level.

10.2 DEFINITION

An individual employee's wages, hours, or conditions of work may be the subject of a complaint. The definition of complaint shall also include specific allegations of unlawful discrimination in employment on the basis of sex, including sexual harassment, race, age, religion, national origin, or disability, or on the basis of the employee's exercise of constitutional rights. [See also Policy Section 17] The complaint must establish the individual harm suffered.

10.3 OTHER REVIEW PROCESSES

Employee dismissal, termination, and reduction in force are governed by other review processes and are not subject to this policy. Employee dismissal, termination, and reduction in force are found in Policy Sections 6 and 8. The nonrenewal of a contract employee shall not be the subject of a complaint under this policy. Nonrenewal of a contract employee is found in Policy Section 7.

10.4 CONSOLIDATION

When the College President or designee determines that two or more individual complaints are sufficiently similar in nature and remedy to permit their resolution through one proceeding, he or she may consolidate the complaints.

10.5 "WHISTLEBLOWER" COMPLAINTS

Employees who allege unlawful discrimination in retaliation for reporting a violation of law to an appropriate authority shall invoke this policy not later than 15 days after the date the alleged violation occurred or was discovered by the employee through the use of reasonable diligence.

10.6 FREEDOM FROM REPRISALS

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No reprisals or retaliation of any kind shall be taken at any level against an employee for bringing a complaint. Complaints shall not be referred to in an employee's personnel file unless so requested by the employee.

10.7 GENERAL PROVISIONS

All complaints arising out of an event or related series of events must be addressed in one complaint. An employee is precluded from bringing separate or serial complaints concerning events about which the employee has previously complained. Costs of any complaint shall be paid by the party incurring them.

Complaints pertaining to working conditions may be appealed only to the next level of authority above that at which the original decision was made. Complaints pertaining to personnel policies, or application of personnel policies, may be appealed through the chain of authority to the appropriate administrator whose decision is final. In all complaints, the College President or his designee retains the right of intervention or review. In this case, the President's decision is final.

If complaints pertaining to personnel policies or the application of personnel policies are not resolved to the satisfaction of the complainant, the complainant may present the issue to the Board of Trustees in an appearance before the Board as defined in Policy Section 7.2. No action by the Board upholds the administrative decision.

10.7.1 TIME LIMITS

Complaints shall be handled with reasonable promptness in presentation, processing, and appeal at each level. Reasonable promptness is defined as a maximum of five working days from the date of the complained of conduct or decision; however, this time may be extended with the agreement of both parties.

10.7.2 PRESENTATION

The presentation of a complaint shall be in writing. When it reaches the appeal state, it must also be in written form. Employees will be given full opportunity to present their views without fear of coercion or reprisal.

10.7.3 GUIDELINES

Employees who feel they have a job related complaint must present it to their immediate supervisor. The supervisor will provide a written response with reasonable promptness. If the first level supervisor does not resolve the matter to the employee's satisfaction, the complaint may be appealed in writing to the next appropriate level of supervision. When appealed, the written complaint must detail the specific injury or harm done and the specific relief requested. The complaint shall be considered concluded if the employee does not appeal within the time limits in Policy Section 10.7.1.

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When the immediate supervisor is the subject of the complaint, then the complaint should commence at the next higher level of authority.

11. EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: RECORDS

11.1 PERSONNEL RECORDS

Access to appropriate records shall be in accordance with the provisions for personnel records kept in the Office of Human Resources. The custodian of the personnel files shall determine information to be placed in the files. Only such information as is important to the person's employment with the institution shall be retained in these files.

12. EMPLOYMENT REQUIREMENTS AND RESTRICTIONS

12.1 CONFLICT OF INTEREST

An employee shall not accept or solicit any gift, favor, service, or other benefit that could reasonably be construed to influence the employee's discharge of assigned duties and responsibilities.

An employee shall not have a personal financial interest, a business interest, or any other obligation that in any way creates a substantial conflict with the proper discharge of assigned duties and responsibilities or that creates a conflict with the best interests of the College.

An employee who believes he or she has or may have a conflict of interest shall disclose the interest to the College President or designee, who shall take whatever action is necessary, if any, to ensure that the College's best interests are protected.

12.2 CONTRACTUAL AGREEMENTS

Any contractual agreements for Kilgore College must be approved and authorized by the administration. Individual employees may not contract on behalf of the College without prior authorization.

12.3 INTELLECTUAL PROPERTY

The College encourages its employees to contribute to the advancement of knowledge by publishing and copywriting, inventing, and patenting materials and objects of their own creation. The College shall protect the interests of its personnel in relation to disclosure of scientific and technological developments including, but not limited to, inventions, discoveries, trade secrets, computer software, and any original works and ideas that may have monetary value. The College shall assume the responsibility for ensuring that public funds, public facilities, equipment, and other public properties for which it assumes stewardship are not utilized for

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personal profit or gain. The author, creator, or inventor may receive benefits from publications and inventions according to the guidelines and conditions in this policy.

An employee may retain as sole property any intellectual property, scientific invention, material, or object created on his or her own time without use of College property, material, equipment, or College support.

The College, in return for unrestricted rights to use and reproduce original work that has been created at College expense or on College time or through use of College-owned equipment, shall grant full ownership to the creator according to the following stipulations:

1. Income derived from the sale of materials or objects to entities outside the College shall accrue to the College until all expenditures made in development of the material have been recovered. These expenditures include stipends paid to the developer (beyond contracted salary), prorated support staff salaries, supplies, and any other expenses that the College may have incurred in support of the creation of the material or object.
2. After the College has recovered the expenditures incurred in development and support, all further remuneration shall go to the creators of the objects or materials.

The College shall ensure equity and management participation on the part of the inventor or inventors in business entities that utilize technology created at the College. No College employee shall realize a profit from materials sold exclusively to College students.

Instructional materials covered by this policy, intended for use at Kilgore College, and developed by a College employee(s) shall be approved by the appropriate Divisional Dean after consultation with the College administration.

The College President must be notified through proper channels of any employee's intent to use College time, equipment, materials, or facilities to create objects or materials with the intent to patent or copyright. This notice must be given and tentative approval received from the President prior to actual commencement of work on the project. Within 20 working days after receipt of such notice of disclosure, the College shall take appropriate action toward establishment of ownership and securing appropriate legal protection. The College shall have authority for approval of the project and subsequent licensing. However, the College assumes no financial responsibility in securing patents and/or copyrights.

Materials produced under an externally funded grant shall be funded by the terms of the grant.

13. EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: NEPOTISM

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The employment of multiple members of a single family is not expressly prohibited, but the College administration will act with caution in employing multiple family members where one is directly responsible to the other for the execution of his or her duties. Furthermore, the employment of relatives of Board of Trustee members will be in accordance with state statutes.

14. CONTRACT AND NONCONTRACT EMPLOYMENT

14.1 CONTRACT EMPLOYMENT

Contract employees include full-time teaching faculty, administrators, and supervisors.

A contract of employment with the College creates a property interest in the position only for the period of time stated in the contract. Such a contract creates no property interest of any kind beyond the period of time stated in the contract.

Contract employees are subject to reassignment by the College President to other or additional duties for which they are professionally certified or otherwise qualified to perform. [See Policy Section 18]

14.2 NONCONTRACT EMPLOYMENT

Employees serving without a contract shall be employed at-will.

The College President or designated representatives shall be responsible for hiring noncontract employees with appropriate skills and qualifications to fill positions with the College.

All noncontract employees are employed in a particular job category subject to assignment. These employees may be reassigned to a different position or working schedule. When appropriate, the College will provide reasonable notice prior to reassignment; however, the length of notice will be determined by the needs of the College.

Dismissal of noncontract employees shall be in accordance with Board policy. [See Policy Section 6.2]

14.3 PAID PROFESSIONAL ASSIGNMENTS

The College President or designated representative shall be responsible for assigning certain professional assignments to existing full-time contractual employees. When it is deemed necessary to provide additional compensation for such assignments, a paid professional assignment shall be issued.

No property rights or contractual rights to continued compensation exist in paid professional assignments. Paid professional assignments may be terminated at any time for any reason or for no reason, at the sole discretion of the President of Kilgore College or his designee. Employees

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whose paid professional assignment has been terminated will be paid for services rendered to date of termination.

15. EMPLOYEE RIGHTS AND PRIVILEGES: ACADEMIC FREEDOM AND RESPONSIBILITIES

Institutions of higher learning are conducted for the common good. The common good depends upon a free search for truth and its free expression. Therefore, it is essential that faculty members be free to pursue scholarly inquiry without undue restrictions and to voice and publish their conclusions concerning the significance of evidence they consider relevant. Faculty members must be free from the corrosive fear that others, inside or outside the college community, may threaten their professional careers because the others' vision differs from that of the instructor.

Faculty members are entitled to full freedom in the classroom in discussing the subject being taught. Faculty members are also citizens of their nation, state, and community and, when they speak, write, or act as citizens, they must be free from institutional censorship or discipline.

The concept of academic freedom, as applied to faculty members, must be accompanied by an equally demanding concept of responsibility, shared by the Board, administrators, and faculty members. The essential responsibilities of the Board and administrators are set forth in the updated and revised Criteria For Accreditation adopted by the Commission on Colleges of the Southern Association of Colleges and Schools.

The fundamental responsibilities of a faculty member as an instructor and a scholar include a maintenance of competence in the instructor's field of specialization and the demonstration of such competence in lectures, discussions, publications, and/or exhibitions.

Exercise of professional integrity by a faculty member includes recognition that the public will judge the member's profession and the College by the faculty member's statements. Therefore, faculty members should strive to avoid creating the impression that they are speaking or acting for the College when speaking or acting as private citizens.

Faculty members should be judicious in the use of controversial material and/or comments in the classroom and should only introduce same material when it has a clear relationship to the subject matter of the course being taught. Further details may be found in the *Kilgore College Procedures Manual*.

Kilgore College supports the following position of the American Association of University Professors regarding freedom of expression and extends it to include student publications.

Faculty members and students engaged in the creation and presentation of works of the visual and performing arts are as much engaged in pursuing the mission of the College as are those who write, teach, and study in other academic disciplines. Works of the visual and performing arts are important both in their own right and because they can enhance our understanding of social

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institutions and the human condition. Artistic expression in the classroom, the studio, and the workshop therefore merits the same assurance of academic freedom that is accorded to other scholarly and teaching activities. Since faculty and student artistic presentations to the public are integral to their teaching, learning, and scholarship, these presentations merit no less protection. The College is obliged to ensure that regulations and procedures do not impair freedom of expression or discourage creativity by subjecting artistic work to tests of propriety or ideology.

Artistic performances and exhibitions at the College encourage artistic creativity, expressions, learning, and appreciation. The institution does not thereby endorse specific presentations, nor do the presentations necessarily represent the institution. This principle of institutional neutrality does not relieve the College of general responsibility for maintaining professional and educational standards, but it does mean that the institution is not responsible for the views or the attitudes expressed in specific artistic works any more than it would be for the content of other instruction, scholarly publication, or invited speeches. Correspondingly, those who present artistic work should not represent themselves or their work as speaking for the institution and should otherwise fulfill their educational and professional responsibilities.

Public funding for academic institutions does not diminish (and indeed may heighten) the responsibility of the college community to ensure academic freedom and of the public to respect the integrity of academic institutions.

16. EMPLOYEE STANDARDS OF CONDUCT

The College expects all employees to conduct themselves in a mature, responsible, and dignified manner in all aspects of their job related behavior, including interactions with students, faculty, administration, other employees of the College, and the public. All employees should carry out their duties in a professional, ethical, and collegial manner.

16.1 STANDARDS OF ETHICAL CONDUCT

The following standards of conduct shall apply to all employees of the College:

1. College employees shall not engage in romantic or intimate relationships with current students nor other employees who are their subordinates in the chain of command.
2. Employees shall not use college property (including copy machines, FAX machines, telephones, postage, computers, or college supplies) to conduct personal, business, club, church, or other activities which are not related to employment at the College. Personal phone calls are allowed during break times; however, long distance personal calls must be made using personal credit cards.
3. College employees shall maintain confidentiality of business information and student records. In no instance should student records be made available (including viewing on a computer screen) to unauthorized individuals not having a valid reason to view the records.

16.2 ALCOHOL AND DRUGS

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A copy of this policy, the purpose of which is to eliminate drug abuse from the workplace, shall be provided each employee at the beginning of each year or upon employment.

Employees shall not unlawfully manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while at the College or at College-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.

An employee need not be legally intoxicated to be considered “under the influence” of a controlled substance.

16.2.1 EXCEPTION

An employee who uses a drug authorized by a licensed physician through a prescription specifically for that employee’s use shall not be considered to have violated this policy.

16.3 NOTICE

In addition to a copy of this policy, each employee shall be given a copy of the College’s statement regarding drug-free workplace and drug-free schools, a description of the applicable legal sanctions under local, state, or federal law, and a description of the health risks associated with the use of illicit drugs and the abuse of alcohol. [See Exhibit at Policy Section 20]

16.4 SAFETY REQUIREMENTS

All employees shall adhere to College safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

16.5 VIOLATIONS

Employees shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to their status as College employees. Violation of any policies, regulations, and guidelines may result in disciplinary action, including termination of employment. [See Policy Sections 6 and 7]

16.6 INFORMATION RESOURCES ACCEPTABLE USE POLICY

The Acceptable Use Policy applies equally to all individuals granted access privileges to any Kilgore College Information Resources. This policy applies to use of Kilgore College

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Information Resources regardless of their physical location.

Information Resources are defined as any and all computer printouts, online display devices, magnetic storage media, and all computer-related activities involving any device capable of receiving email, browsing Web sites, or otherwise capable of receiving, storing, managing, or transmitting electronic data including, but not limited to, mainframes, servers, personal computers, notebook computers, hand-held computers, personal digital assistants, pagers, distributed processing systems, network attached and computer controlled medical and laboratory equipment (i.e. embedded technology), telecommunication resources, network environments, telephones, fax machines, printers, and service bureaus. Additionally, Information Resources are the procedures, equipment, facilities, software, and data that are designed, built, operated, and maintained to create, collect, record, process, store, retrieve, display, and transmit information.

Electronic files created, sent, received, or stored on Information Resources owned, leased, administered, or otherwise under the custody and control of Kilgore College are the property of Kilgore College unless a written agreement exists otherwise. Electronic files created, sent, received, or stored on Information Resources owned, leased, administered, or otherwise under the custody and control of Kilgore College are not private and may be accessed by administratively designated Kilgore College personnel at any time without knowledge of the Information Resources user or owner. All messages, files and documents – including personal messages, files and documents – located on Kilgore College Information Resources are owned by Kilgore College, may be subject to open records requests, and may be accessed in accordance with this policy.

A user is defined as an individual or an automated application or process that is authorized to access Kilgore College Information Resources.

Users must not share their Kilgore College account(s), passwords, Personal Identification Numbers (PIN), Security Tokens (i.e. Smartcard), or similar information or devices used for identification and authorization purposes.

Users must report any weaknesses in Kilgore College computer security and any incidents of possible misuse or violation of this agreement to the proper authorities by contacting appropriate management personnel.

Users must not download, install, or run security programs or utilities that reveal or exploit weaknesses in the security of a system. For example, Kilgore College users must not run password cracking programs, packet sniffers, port scanners, or any other non-approved programs on Kilgore College Information Resources.

Users must not attempt to access any data or programs contained on Kilgore College Information Resources for which they do not have authorization or explicit consent.

Users must not make unauthorized copies of copyrighted software.

Users must remove disruptive software, shareware, or freeware installed on Kilgore College Information Resources when requested by appropriate management personnel.

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Users must not purposely engage in activity that may do any of the following: harass, threaten or abuse others; degrade the performance of Information Resources including downloading large files from the Internet that are unrelated to the academic or administrative functions of Kilgore College; deprive an authorized Kilgore College user access to a Kilgore College resource; obtain extra resources beyond those allocated; or circumvent Kilgore College computer security measures.

Users must not intentionally access, create, store or transmit material which Kilgore College may deem to be offensive, indecent or obscene (other than in the course of academic research where this aspect of the research has the explicit approval of the Kilgore College official processes for dealing with academic ethical issues).

Kilgore College Information Resources must not be used for personal benefit.

Users must not otherwise engage in acts against the aims and purposes of Kilgore College as specified in its governing documents or in rules, regulations and procedures adopted from time to time.

As a convenience to the Kilgore College user community, incidental personal use of Information Resources is permitted. The following restrictions apply:

- Incidental personal use of electronic mail, internet access, fax machines, printers, copiers, and so on, is restricted to Kilgore College approved users; it does not extend to family members or other acquaintances.
- Incidental personal use must not result in direct costs to Kilgore College.
- Incidental personal use must not interfere with the normal performance of an employee's work duties.
- No files or documents may be sent or received that may cause legal action against, or embarrassment to, Kilgore College.
- Storage of personal email messages, voice messages, files and documents within Kilgore College's Information Resources must be nominal.

Violation of this policy may result in disciplinary action which may include termination for employees and temporaries; a termination of employment relations in the case of contractors or consultants; dismissal for interns and volunteers; or suspension or expulsion in the case of a student. Additionally, individuals are subject to loss of Kilgore College Information Resources access privileges, civil, and criminal prosecution.

16.7 COLLEGE PROPERTY: ACCESS AND ALLOCATION

The College retains access to the entire workplace. The workplace includes, but is not limited to: offices, desks, file cabinets, computer disks, other computer-related materials, and personal items placed within offices, desks, and other storage spaces. The purpose of a given search may be to monitor office efficiency, investigate work-related misconduct, or another work-related purpose. Employees should not store personal papers and effects in the workplace if they do not want the items searched. Any search will be reasonably related to a work-related purpose.

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The College may allocate or reallocate property or space as it deems necessary for efficient operation. No employee has a right or claim to any College property.

17. STANDARDS OF CONDUCT: ANTI-HARASSMENT POLICY

No member of the College community may harass another. Through this policy, the College implements a specific way to review and resolve complaints of harassment by any member of the College community, including faculty, staff, or students. Through this policy, the College will take appropriate corrective action when it determines that harassment has occurred. Each supervisor has the responsibility to maintain a workplace free of harassment. This responsibility includes discussing this policy with all employees and assuring them that they are not to endure insulting, degrading, or exploitative treatment.

17.1 DEFINITION

Harassment is written, electronic, verbal or physical conduct that denigrates or shows hostility or aversion toward an employee, student, or group of employees or students because of his or her gender, sex, age, race, creed, national origin, religion, disability, or veteran status and:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education; or
2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual; or
3. Such conduct has the effect of substantially interfering with an individual's academic or work performance or creating an intimidating, hostile, or demeaning employment or educational environment, and such conduct would do so for a reasonable person in the individual's position.

Harassing conduct includes (1) epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to any of the above listed protected classifications and/or (2) written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of membership in any of the above listed protected classifications and that is placed on walls, bulletin boards, or elsewhere on College premises, or is circulated in the workplace. Harassment is prohibited regardless of whether or not the alleged harasser shares the same gender, sex, age, race, creed, national origin, religion, disability, or veteran status as the complaining party. Harassment is prohibited whether in the form of supervisor-employee, employee-employee, employee-student, or student-student.

17.2 PROHIBITED CONDUCT

Employees and students shall not engage in conduct constituting harassment. College officials or their agents shall investigate all allegations of harassment and officials shall take prompt and appropriate disciplinary action against employees and students found to engage in conduct constituting harassment.

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Generally, sexual harassment includes any sexual attention that is unwelcome. Sexual harassment means conduct amounting to more than an occasional, isolated, or trivial act or remark. The following examples of sexual harassment are illustrations of prohibited conduct, but are not an all-inclusive list of such conduct:

- A. Physical assault based on gender.
- B. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation.
- C. Direct propositions of a sexual nature.
- D. A pattern of conduct intended to discomfort or humiliate a person that includes one or more of the following:
 - 1. Comments of a sexual nature.
 - 2. Sexually explicit statements, questions, jokes, pictures, or anecdotes, even when carried out under the guise of humor.
 - 3. Unnecessary touching, patting, hugging, or brushing against a person's body.
 - 4. Remarks of a sexual nature about a person's clothing or body.
 - 5. Remarks about sexual activity or speculations about previous sexual experience.

Item 4 above does not include conduct or comments that are legitimately related to the subject matter of an instructional course as illustrated by, but not limited to, a physical education course, a human development course, or a biology course.

Generally, other types of harassment (race, religion, nation origin, etc.) include any attention based on such classification that is unwelcome. Harassment is conduct amounting to more than an occasional, isolated, or trivial act or remark. The following examples of harassment are illustrations of prohibited conduct, but are not an all-inclusive list of such conduct:

- A. Physical assault based on the classification.
- B. Direct or implied threats that such classification is a condition of employment, work status, promotion, grades, or letters of recommendation.
- C. A pattern of conduct intended to discomfort or humiliate a person that includes statements, questions, jokes, pictures, or anecdotes (even when carried out under the guise of humor), or remarks in general about a person's clothing, body or culture regarding such classification.

17.3 COMPLAINT GUIDELINES

The complainant is strongly encouraged to submit the complaint in writing. Supervisory employees who suspect violations of this policy are required to submit a report. All other employees and students are encouraged to report known or suspected violations. All complaints and reports must be submitted to the Director of Human Resources, the Assistant to the President, or one of the Vice Presidents or Division Deans. Students may submit the report or complaint to the Vice President of Student Development Office.

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Supervisory employees, as used in this policy, are those who have the immediate or successively higher authority to act and remedy any problem and to exert control over affected employees. This includes someone with the power not only to hire and fire the offending employee, but also to take disciplinary action, provide input into employment decisions, or otherwise address the harassment problem.

17.4 INVESTIGATION GUIDELINES

All reports and complaints of harassment will be reviewed and are subject to investigation. During the initial meeting with the complainant, information should be gathered such as the date, time, place, nature of the alleged harassment, frequency of the alleged conduct, the complainant's response or reaction to the alleged conduct, and the names of any witnesses. The complainant will be provided a copy of the College's anti-harassment policy and will be informed about the formal process of filing a complaint and alternative measures of resolution.

After the administrator taking the complaint meets with the complainant, the administrator will then meet with the alleged harasser. The administrator shall provide a copy of this policy to the alleged harasser. If the administrator determines that the nature of the charge appears to warrant immediate action, appropriate steps may be taken (with the approval of the College President) to protect the alleged harasser, or the complainant, or both, pending further investigation.

If the alleged harasser does not deny the complainant's material allegations, the administrator may attempt to resolve the complaint informally by acting as a facilitator between the alleged harasser and the complainant. Any proposed solutions or agreements are subject to the College President's approval. If the alleged harasser denies the complainant's material allegations, or if the administrator determines that the matter deserves further inquiry, an investigation will be conducted.

The investigation will be coordinated by the Director of Human Resources. The individuals investigating the complaint will act as an impartial party rather than a representative of either the complaining or accused parties, and will not offer opinions on the matter when interviewing and investigating. Efforts will be made to maintain confidentiality of both parties during any investigation to the extent provided by law. This duty of confidentiality also extends to the complainant, alleged harasser, and others involved in the investigation. Unauthorized release of confidential information may result in liability on part of the College and the individual releasing the information. The College will attempt to complete this investigation within 30 days.

After the investigation, a written report with recommendations for action will be presented to the College President, to the complaining party and to the alleged harasser. A written report shall be prepared even if the investigator concludes that there is no evidence of a violation of the anti-harassment policy. Both the complaining party and the alleged harasser will be given the opportunity to provide a written statement for the College President's review. The College President will review the facts and make a final determination in the case. Actions may include, but are not limited to, written warning, probation, reassignment, suspension from work, or termination (in case of employees) and suspension (in case of students).

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Where the complaining party or accused is an employee, after the case is concluded, three further courses of action are available.

1. If the President recommends no discipline for the alleged harasser is warranted or recommends discipline and the recommendation is not acted upon, then the complainant may file a further complaint according to Policy Section 10.
2. If the alleged harasser is disciplined upon recommendation of the President, then the alleged harasser may file a complaint according to Policy Section 10.
3. If termination is recommended for the alleged harasser, then the alleged harasser may follow the guidelines for a hearing or appearance before the Board as discussed in Policy Section 6.

Where the complaining party or alleged harasser is a student and seeks review of the President's decision, the student may request an appearance before the Board.

17.5 RETALIATION FORBIDDEN

Retaliation against an individual who complains of harassment will not be tolerated and is a violation of College policy. Retaliation may result in disciplinary action up to and including termination of an employee or suspension of a student. Any complainant who feels that he or she is being retaliated against, either during or after an investigation, shall report the incidents of retaliation to the investigator.

17.6 OTHER PROVISIONS

A copy of this anti-harassment policy is to be available upon request by any student, faculty or staff member. A copy of this policy is to be included in the Student Handbook.

Sexual harassment may result in not only civil liability but also criminal liability on part of the harassing individual. Likewise, false charges may result in civil liability against the complaining party.

18. ASSIGNMENT AND SCHEDULES

All employees shall be subject to assignment and reassignment by the College President at any time.

18.1 FACULTY ASSIGNMENTS

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Faculty assignments will be made by the appropriate instructional administrator. Consideration will be given to schedules that do not require all classes being consecutive, if possible. These assignments will be approved by the appropriate administrator.

18.1.1 TIME

All faculty are subject to assignments from 7:00 a.m. to 10:00 p.m. This constitutes a College instruction day. Instructors may also be asked to teach at external campus locations and may be asked to teach on Saturdays or on a rotating basis one or more terms in summer school.

18.1.2 CLASS LOAD

Full-time teaching loads at the College shall be determined by the Vice President of Instruction. For specific details on class loads, refer to the "Faculty Procedures Manual."

18.1.3 OVERLOAD

Overload is paid according to the faculty load schedule determined by the Vice President of Instruction and published in the "Faculty Procedures Manual."

18.1.4 CONFERENCE HOURS

Faculty members must spend a minimum of 30 hours a week on campus in classes and conference periods. If possible, a faculty member should schedule a conference period in the morning each day and at least one conference hour after one o'clock four days a week before leaving the campus for the day. Emergency requests should be filed by the faculty member with the Divisional Dean when scheduled conference hours cannot be observed. Paid overload assignments do not reduce required conference hours.

Faculty members who are in class more than 30 hours per week as a regular load should make arrangements with the Divisional Dean for limited conference hours.

18.1.5 SCHOOL ACTIVITIES

Faculty members are expected to attend school functions. It is expected that they will have sufficient interest in the College to attend assemblies, athletic events, fine arts events, and College sponsored social affairs when possible.

18.1.6 COMMITTEE MEMBERS AND CLUB SPONSORS

Responsibility as a working committee member and as a club or activity sponsor is normally part of the professional assignment of each faculty member. These assignments will be made by the College President or the appropriate administrator working with the Director of Student Life after consulting with the faculty member.

18.1.7 REGISTRATION

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Faculty members are responsible for assisting with both early and regular registration.

Each faculty member will receive his or her assignment for registration in writing from the registrar's office.

18.2 OFFICE AND WORK HOURS

Office hours for administrative, supervisory, and general services classified personnel are 7:45 a.m. to 4:30 p.m. Monday through Thursday and 7:45 a.m. to 4:00 p.m. on Friday. These hours are in effect all year round.

Work hours for maintenance and custodial personnel shall be generally 7:00 a.m. to 4:00 p.m. Exceptions to these hours are subject to approval by the appropriate supervisor.

19. STUDENT AND COMMUNITY USE OF COLLEGE FACILITIES: CONDUCT ON COLLEGE PREMISES

19.1 SMOKING AND TOBACCO PRODUCTS ON CAMPUS

Smoking and/or tobacco products are prohibited in all College controlled or owned buildings and vehicles. This policy applies equally to all college faculty, staff, students, administration, and visitors. There are designated smoking areas outside of the buildings, and everyone is expected to dispose of their cigarettes properly.

20. EMPLOYEE WELFARE

20.1 EMPLOYEE WELFARE (EXHIBIT)

DRUG FREE SCHOOLS, DRUG-FREE WORKPLACE AND WORKERS' COMPENSATION REQUIREMENTS

The College prohibits the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance, illicit drug, and alcohol, as those terms are defined in state and federal law, in the workplace, on school premises, or as part of any of the College's activities.

Employees who violate this prohibition shall be subject to disciplinary sanctions. Such sanctions may include referral to drug and alcohol counseling or rehabilitation programs or employee assistance programs, termination from employment with the College, and referral to appropriate law enforcement officials for prosecution. Information on available rehabilitation or employee assistance programs and contacts shall be posted throughout the workplace.

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Compliance with these requirements and prohibitions is mandatory and is a condition of employment. As a further condition of employment, an employee shall notify the College President of any criminal drug statute conviction the employee incurs for a violation in a workplace no later than five days after such conviction.

Within 30 calendar days of the College President's or designee's receiving notice from any source of a conviction for any drug statute violation occurring in the workplace, the College President or designee shall either (1) take appropriate personnel action against the employee, up to and including termination of employment or referral for prosecution or (2) require the employee to participate satisfactorily in a drug and alcohol abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health agency, law enforcement agency, or other appropriate agency. The cost of any such program shall be borne by the employee.

[This notice complies with notice requirements imposed by the federal Drug-Free Workplace Act [20 U.S.C. 3471, 1221e-3(a)(1) and 34 CFR 85.630]; notice requirements imposed by the federal Drug-Free Schools and Communities Act Amendments of 1989 [20 U.S.C. 3224a and 34 CFR 86.201]; and notice requirements imposed by the Texas Workers' Compensation Commission rules at 28 TAC 169.2]