



# **STAFF HANDBOOK**

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## **INTRODUCTION**

The University of the South strives to provide its staff members with a working environment that encourages personal and career development with the expectation of a high level of performance, both in terms of quality and productivity. In joining the University, one becomes a member of the University team which has achieved a record of excellence in education and research, a record which would not have been possible without the contributions of outstanding staff.

The provisions contained in this *Handbook* do not constitute an employment contract or guarantee employment for any specific duration. It is a guideline that provides current policies, practices, and procedures for staff members' information. The University reserves the right to change any and all of its policies, practices, and procedures in whole or in part at any time. Staff members are expected to follow the rules and regulations of the University, including changes in those rules and regulations made during the course of their employment. At all times during the employment relationship, staff members are "at will" staff members. Thus, employment may be terminated at any time by the staff member or by the University for any lawful reason.

The Office of Human Resources is responsible for maintaining and updating the *Staff Handbook*. New policies or changes to existing policies will be effective when approved and will be incorporated in the *Handbook* when it is updated or reissued. Staff members are encouraged to recommend a new policy or change to an existing policy to the Office of Human Resources, to the Employees' Advisory Committee, or to a member of the senior administrative staff.

Particular matters involving the interpretation of a policy shall be referred to the Director of Human Resources.

## **UNIVERSITY PURPOSE**

The University of the South is an institution of the Episcopal Church dedicated to the pursuit of knowledge, understanding, and wisdom in close community and in full freedom of inquiry, and enlightened by Christian faith in the Anglican tradition, welcoming individuals from all backgrounds, to the end that students be prepared to search for truth, seek justice, preserve liberty under law, and serve God and humanity.

The College of Arts and Sciences is committed to the development of the whole person through a liberal arts education of the highest quality. Outstanding students work closely with distinguished and diverse faculty in a demanding course of humane and scientific study that prepares them for lives of achievement and service. Providing rich opportunities for leadership and intellectual and spiritual growth, while grounding its community on a pledge of honor, Sewanee enables students to live with grace, integrity, and a reverent concern for the world.

The School of Theology educates women and men to serve the broad whole of the Episcopal Church in ordained and lay vocations. The School develops leaders who are learned, skilled, informed by the Word of God, and committed to the mission of Christ's church, in the Anglican tradition of forming disciples through a common life of prayer, learning, and service. Sewanee's seminary education and world-wide programs equip people for ministry through the gift of theological reflection in community.

## **100 EMPLOYMENT**

### **101 STAFF MEMBER APPOINTMENT STATUS**

#### **EXEMPT OR NON-EXEMPT APPOINTMENT**

Staff members of the University are categorized as exempt or non-exempt and are paid in accordance with the federal and state law and University policy. Exempt staff do not necessarily observe a fixed schedule and do not receive overtime pay. Exempt staff are expected to work the hours necessary to fulfill their duties, normally at least 40 hours per week. Non-exempt staff may be paid hourly wages or a monthly salary and are entitled to overtime pay for all hours worked in excess of 40 hours per week (see *202 OVERTIME*).

#### **REGULAR, TEMPORARY, OR TERM APPOINTMENT**

A regular staff member is one who works in a position that is expected to continue indefinitely. However, a regular position is at will and carries no guarantee of continued employment.

A temporary staff member is an at will employee who works on a temporary basis for a period not to exceed three months. However, with the approval of the Director of Human Resources and Provost, a temporary position may be extended for additional three-month periods.

A term staff member is an at will employee employed temporarily, usually for a term in excess of six months. A term appointee has no guarantee of continued employment. Term appointees for terms in excess of two years are treated as regular staff in matters relating to benefits and accruals for time away from work. Term appointees for terms of at least one academic year are treated as regular staff in terms of eligibility for the University's health care plan and holiday pay.

#### **ACTIVE STATUS**

Staff members are considered on active status if they are working, on vacation, on sick leave, on short-term disability leave, or on family and medical leave.

### **102 WORKING HOURS**

Most offices are scheduled to be open for business from 8:00 a.m. to 4:30 p.m. Monday through Friday. Hours worked are established by departments and may vary from office to office.

### **103 REST PERIODS/BREAKS**

Staff members are eligible for a rest period, as scheduled by department heads or supervisors. Rest periods are limited to 30 minutes per work day for full-time staff members, and 15 minutes per work day for part-time staff members. Rest periods cannot be accumulated, cannot be used for arriving late or leaving early or for extending the lunch break, and should be scheduled in 15-minute segments, whenever possible, near the middle of each half-shift.

#### **104 OTHER EMPLOYMENT**

A staff member's job at the University is expected to be the primary one if he or she is a full-time staff member. Outside employment should not bring discredit to the University; nor should the University position or name be used in acquiring or performing outside employment. A staff member should be certain that a conflict of interest does not exist and that outside employment does not interfere with the staff member's regular duties and is scheduled outside the staff member's working hours at the University. Any ongoing outside employment requires prior approval of the department head. This approval, however, will not be denied unless there is a compelling reason to do so.

#### **105 NEPOTISM**

No staff member of the University of the South shall work under the direct supervision of an immediate family member. "Immediate family" is considered to be the following relatives: spouse, domestic partner, parent, child, grandparent, grandchild, sister, brother, corresponding in-laws and step-relatives, and any other relative living in the same household.

When marriage or a change in a staff member's position results in a staff member being supervised by an immediate family member, the situation may be resolved by transfer within the University or resignation. If transfer alternatives are available, the staff member will be given the opportunity to select among the available alternatives for which the staff member is qualified. If the staff member is unable to agree upon any alternative within 60 days, the Director of Human Resources will resolve the matter, which may lead to termination of one of the staff members.

#### **106 INTRODUCTORY PERIOD**

Each new staff member, in his or her first regular appointment at the University, will be required to serve a six-month introductory period which includes training and evaluation. The purpose of the introductory period is to establish that the staff member can successfully perform the duties and responsibilities of the position. During the introductory period the immediate supervisor will speak with the staff member about his or her progress. Employment may be terminated at any time during the introductory period. Near the end of the initial six-month introductory period, a Performance Improvement Plan form will be completed by the supervisor and the staff member. At this time the supervisor may recommend that the staff member be placed on regular status, that the introductory period for the staff member be extended, or that the staff member's employment be terminated. Completion of the introductory period does not guarantee continued employment and does not change the at will nature of the employment relationship.

#### **107 JOB POSTINGS**

Vacancy announcements for regular and term positions are normally announced via email, posted on the University's web site (<http://www.sewanee.edu/personnel/jobs>) and posted near time clocks. Most positions are advertised in newspapers and professional journals and may be registered with the Tennessee Job Services Office in Tullahoma. Vacancy announcements normally include a brief description of the position, the qualifications sought, the minimum wage (for non-exempt positions), the working hours (for non-exempt positions), the date posted, and the closing date or date review of applications begins.

## **108 HIRING PROCESS**

All persons interested in a vacancy must apply for the position no later than the closing date indicated if there is a closing date on the vacancy announcement. Some positions require an office skills test. If the test is required, it should be taken by the closing date of the announcement in order for the candidate to receive full consideration. Any qualified regular staff member will receive consideration in accordance with the policy on promotions and transfers (see *110 PROMOTIONS AND 111 TRANSFERS*). Following the closing date of a vacancy announcement, all applications which meet the minimum requirements for the position will be submitted to the departmental supervisor responsible for making the hiring decision.

Supervisors will normally interview a minimum of three persons including all qualified regular staff members and qualified members of minority groups. The supervisor will make a recommendation to his or her supervisor who will make the final decision. In making a recommendation the supervisor will abide by the University's commitment to equal employment opportunity (see *112 EQUAL EMPLOYMENT OPPORTUNITY*), and the recommendation will be based solely upon the individual's qualifications. The University conducts background checks on all applicants recommended for hiring, and the results may disqualify an applicant from working at the University.

In no event shall the hiring of a staff member be considered to create a contractual relationship between the staff member and the University; and, unless otherwise provided in writing, employment shall be at will, so that either party may terminate the relationship at any time and for any lawful reason.

## **109 ORIENTATION**

The staff orientation program is designed to introduce new staff members to the University community. The program helps new staff understand the work of the institution and their role in achieving the goals of their department and the University at large.

New staff members normally participate in the University's orientation program during their first few weeks of employment. On the first day of employment, the staff member reports to the Office of Human Resources to complete all necessary payroll information and then to Telecommunications to obtain an employee ID card. The remainder of the program includes group and individual interviews with University departments and officers.

## **110 PROMOTIONS**

The University encourages promotion from within whenever possible. Promotions will be made whenever practicable on the basis of present job performance, past record, and qualifications to do the particular work for the position. Where appropriate, regular staff members may be promoted to a more responsible position in their current department or division without the position being posted. Under normal circumstances, regular staff members are not eligible for promotions until successful completion of their introductory period. Persons interested in promotion should make their interests known to the Office of Human Resources. Any qualified regular staff member will normally be interviewed for a vacancy to which he or she applies.

## **111 TRANSFERS**

Staff members interested in an open position in another department should make their interests known to the Office of Human Resources. Normally regular staff members are not eligible for transfers until successful completion of their introductory period.

From time to time, based on University needs and resources, staff members are transferred to another position or department. In such cases, the University attempts to meet the needs of the staff member as well as the department involved.

## **112 EQUAL EMPLOYMENT OPPORTUNITY**

The University provides equal employment opportunity to all employees and applicants for employment. No person shall be discriminated against in employment because of race, color, sex, age, national origin, sexual orientation, disability, veteran's status, or religion (except for those positions in the School of Theology and the Chaplain's Office where religious affiliation is a necessary qualification).

## **113 PERFORMANCE IMPROVEMENT PLAN**

The Performance Improvement Plan (PIP) program is a University-wide performance improvement system for all continuing employees with staff appointments. At the end of the six-month introductory period the initial PIP is prepared and each spring the staff member's plan is reviewed and updated.

The system is designed to help staff members reach their full potential so that through their work the University can reach its full potential. Helping staff reach their full potential requires that staff understand how their work fits into the overall goals of the organization. Therefore, as part of the PIP process, University and departmental goals are given to each person. Staff members are also asked to review their goals from the previous year and set new goals for the year to come. The employee's performance as reflected in the PIP is considered when salaries are set each year.

## **114 SMOKING PROHIBITED**

Smoking is prohibited in all enclosed University property, including vehicles, and is also prohibited within 50 feet of the entrance to any facility.

## **200 ADMINISTRATION OF WAGES AND SALARIES**

### **201 COMPENSATION**

The official work week begins at 12:01 a.m. on Saturday. Paychecks for hourly non-exempt staff members are issued biweekly and are released to departments by noon on the proper Friday. Paychecks cover the hours worked in a two-week period up to the Friday before a payday.

Paychecks for salaried non-exempt and exempt staff members are normally issued on the 25th of each month and cover salary due for the entire calendar month. In months where the 25th does not fall on a regular work day, paychecks are issued on the last regular work day prior to the 25th.

Salary increase funds are determined as part of the annual budgeting process. When and if granted, salary increases normally become effective on July 1. Individual salary increases are based on market and equity considerations and on the staff member's Performance Improvement Plan. The University does not give automatic raises and does not make advances against a staff member's salary.

### **202 OVERTIME**

The Fair Labor Standards Act requires payment of overtime to non-exempt staff members after 40 hours of work per week. Overtime for hourly employees will be paid at one and one-half the hourly rate for actual hours worked in excess of 40 per week. Salaried, non-exempt employees are paid monthly and are paid overtime for hours worked in excess of 40 in a week. The overtime rate will be equal to one-half the staff member's monthly salary converted to an hourly rate. This overtime rate will be multiplied by the number of hours in excess of 40 to determine the overtime pay.

Staff members may be called back to work for emergency reasons at times other than their regular work hours. Whenever non-exempt staff members are called out for emergency reasons, or when members of the PPS on-call team respond to a beeper page by reporting to work, they will be guaranteed a minimum of three hours pay at overtime rates; should the emergency job take longer than three hours, they will be paid overtime for the number of hours actually worked. Should additional emergencies arise while the staff member is called out for emergency reasons, all emergencies will be considered as one call out in determining the minimum amount to be paid. If a staff member chooses and if the staff member's supervisor approves, staff members may elect to take the emergency pay as time off as long as it is taken during the week in which the emergency hours are worked. That is, if a staff member is called out for two hours, the staff member may choose to take two hours off in lieu of the overtime pay. Such emergency callback should not be confused with work scheduled in advance for hours or days outside the normal work schedule such as for weather related events.

Except in the case of emergencies, non-exempt staff members must have authorization from their supervisor before working overtime. Failure to obtain such authorization may lead to disciplinary action. However, all time worked must be recorded and paid regardless of whether or not it was approved in advance.

### **203 HONORARIA AND EXTRA PAY FOR STAFF**

Normally full-time, full-year exempt staff and faculty with administrative appointments are not eligible for extra pay when they assume additional duties (except when the staff member's position is reclassified), when they provide services for another department, or when they teach courses. However, on occasion, with the written approval of the Provost, an exempt staff member may be paid a small honorarium (less than 10% of monthly salary) for work that is not part of his or her normal duties. Also, on occasion, with the written approval of the Provost, an exempt staff member may take vacation from his or her regular position to perform additional duties for pay.

Normally, full-time, non-exempt staff are not allowed to work in a position other than their regular position. However, on occasion, with the written approval of the Provost, a non-exempt staff member may work extra hours in another position. The rate of pay is normally the same as in the staff member's regular position, and the hiring department is responsible for paying overtime for any hours worked in excess of 40 in a week. Also, on occasion, with the written approval of the Provost, a non-exempt staff member may take vacation from his or her regular position to perform additional duties for pay.

Unless approved by the Director of Human Resources, all extra pay for University employees must be taxed and paid through the payroll system.

### **204 COMPENSATORY TIME FOR EXEMPT STAFF**

The University does not normally allow compensatory time when exempt staff members' duties require them to work outside their normal work schedule. However, in exceptional cases, for instance when a staff member works intensive hours over an extended period, the head of the staff member's division, in consultation with the Director of Human Resources, may approve compensatory time. This compensatory time must be taken as soon as possible following the excessive work schedule.

### **205 TRAVELING ON UNIVERSITY BUSINESS**

Non-exempt staff members who travel out of town due to a work assignment or to attend a work-related seminar may count as hours worked the time spent traveling to and from the location and the time spent performing the work assignment or attending the meeting or seminar. No other time is considered as time worked.

### **206 DEDUCTIONS**

The following deductions may be made from payroll checks:

- Federal Income Tax Withholding
- Social Security (FICA)
- AAUP (American Association of University Professors) Dues
- Community Chest
- Court ordered garnishments
- Credit Union
- Medical and Dependent Care Flex Spending
- Garbage pickup
- Insurances (e.g., health, life, dental, automotive, and homeowners)

Payroll savings plans  
Penalties for University parking violations  
Rent or property lease  
Retirement contribution  
University gifts  
University loans, or monthly accounts  
Uniform deductions

## **207 CHARGE ACCOUNTS**

Staff members may charge long distance calls to a Personal Entity Identification Number by opening a personal account through the Credit Manager (Room 8-Cleveland-Annex) and by requesting an authorization code from Telecommunication Services. All charges are billed monthly. Repeated failure to pay current University bills may result in cancellation of this privilege.

## **208 LOANS**

Regular full-time staff members may be eligible to receive certain University-funded loans. These include: (1) educational loans to cover college tuition and expenses of staff members' dependent children enrolled in degree-granting programs at accredited post secondary institutions; and (2) educational loans awarded to staff members. The issuance of these loans is dependent upon the applicant's creditworthiness, the amount of money available in the budget, and other terms and conditions. Applications for and the details about educational loans are available from the Financial Aid Office. Information about other loan programs is available from the Treasurer's Office.

## **209 THE STAFF COMPENSATION SYSTEM**

Within resources available, the University strives to maintain and administer a fair, equitable, and fiscally responsible staff compensation program that is guided by the following principles:

- The compensation structure should fairly and accurately reflect the contribution of each position to the goals and mission of the University.
- Total compensation, consisting of direct pay, benefits and working environment, should be considered as a package.
- The compensation structure should reflect the different external markets in which the University competes for staff—local, regional and national.
- University priorities and organizational needs require salary flexibility when recruiting in particular markets and/or unusually competitive circumstances.
- Prior to recruiting for a position, proper analysis of data should take place in order to maintain fairness and consistency in salary decisions.
- Salary growth should be based on job requirements and job performance, including productivity, as measured by the Performance Improvement Plan.

The staff compensation system is evaluated and revised on a regular basis, and designed to recruit, retain, and reward highly qualified and productive staff members. At the same time, the University of the South is a fiscally conservative institution which must use its resources wisely to support the overall institutional mission.

## **210 WORKERS' COMPENSATION**

All staff members are protected under Tennessee's workers' compensation law. This benefit covers accidental injuries or occupational illnesses that are caused by, arise out of, and occur in the course of employment at the University. Benefits continue uninterrupted until the staff member has reached maximum medical improvement, and an assessment of ability to return to work has been made, as defined by the workers' compensation laws.

If a staff member is injured while working, no matter how slightly, the injury must be reported immediately to the Office of Human Resources. If the accident occurs outside normal working hours, a voice mail message should be left immediately after the accident occurs, and the supervisor of the injured staff member should contact the Office of Human Resources as soon as possible to report the details of the accident. Medical treatment for work-related injuries must be provided by one of the University's panel of doctors unless the staff member is referred by a panel doctor to another physician.

Staff members who are absent from work due to a work-related injury are only compensated by the University for the time missed on the day of the injury. No cash benefits will be paid by the workers' compensation insurer for the first seven calendar days, excluding the day of injury, unless the disability extends to 14 calendar days. Regular staff members will be allowed to use accrued sick leave and/or vacation leave to compensate them for the first 8 working days of disability. When a staff member is off work for 14 calendar days or more because of the work-related injury, the workers' compensation insurer will pay the staff member for the first 7 calendar days. This payment is known as a "wage replacement benefit" and is computed on a percentage (66 2/3%) of the average weekly compensation. Staff members off work for 14 calendar days or less receive no wage replacement for the first seven days.

Staff members who are off work due to a work-related injury for a full pay period do not accrue vacation, sick leave, or short-term disability leave and are not paid for holidays.

Each time a staff member is not at work due to a workers' compensation injury, the total amount of the staff members' Family and Medical Leave Act (FMLA) benefits will be reduced by the amount of workers' compensation leave utilized.

Any medical expenses incurred as a result of such injury at work will be paid for by the workers' compensation insurer.

Staff members who are involved in a work-related accident will be subject to drug and alcohol testing and possible disciplinary action as stated in Work Rule V. G.

Staff members who are not able to perform all of their job functions (such as heavy lifting) may be assigned to positions that are within the limitations set by their physician when such positions are available. If light duty work is available, an employee may be assigned to such work for a maximum of eight weeks, and only one light duty assignment will be made within a twelve month period.

## 211 INCLEMENT WEATHER

Staff members who determine that they are not able to report at the scheduled starting time or who determine that they are unable to remain at work until the scheduled end of the work day because of dangerous travel conditions caused by inclement weather may charge the time off to sick leave, personal leave, vacation, or, with the approval of their supervisor, make up the lost time within the same work week.

In extremely rare cases the Vice Chancellor or his or her designee may declare the University officially closed. The Vice Chancellor or his or her designee will notify the Chief of Police and the Office of Marketing and Communications of the closing. The Office of Marketing and Communications will notify the campus via email and the following radio and television stations:

Radio: WCDT (1340) in Winchester, WZYX (1440) in Cowan, WDEF (92.3 FM, 1370 AM) in Chattanooga, and 93 FM (WAHR) in Huntsville

Television: WRCB (3), WTVC (9), WDEF (12) in Chattanooga and WSMV (4) and WTVF (5) in Nashville

Some University services must continue when the University is officially closed for seriously inclement weather. This is especially true when students are on campus. Departments that continue to function include: Police, Physical Plant Services, and Health Services. Supervisors of these departments are responsible for identifying, in advance, staff members who can most safely get to campus to staff their operations and carry on essential functions. At times, division heads may require other departments to continue services. In such cases the supervisors should identify staff members who can most safely get to campus and then request those staff members to work. Staff members who determine that they cannot safely get to work will not be disciplined even if they are working in departments that remain open.

Non-exempt staff members who are required to work during an official closing will be credited with compensatory time equal to hours worked or overtime pay at their discretion.

Regular staff members absent due to an official closing of the University will be paid for such absence. To qualify for such payment, staff members must have been scheduled to work on the day of the closing.

## 300 BENEFITS

Information about current benefits is available from the Office of Human Resources and a current benefits summary may be found at <http://www.sewanee.edu/personnel/benefits>.

*All fringe benefits and practices are subject to change at the University's discretion. Any benefit may be eliminated at any time and eligibility requirements and premiums may be adjusted at the University's discretion. If such changes occur, the University will attempt to advise employees in a timely manner. Questions concerning benefits should be directed to the Office of Human Resources.*

## 301 ELIGIBILITY FOR BENEFITS

Benefits are an important part of the University's compensation package. Once eligibility requirements are met, employees with the following appointments are eligible for all benefits:

Full time regular employees, including tenure track and tenured faculty;

Term staff and contingent faculty with full time appointments for more than 24 consecutive months who continue to work at least half-time after the 24<sup>th</sup> month.

Part time regular staff who are scheduled to work at least  $\frac{3}{4}$  time (1560 hours annually for non-exempt employees);

Staff members with a one-year, full time appointment are eligible to participate in the University's health plan. Contingent faculty members with a one year, full time appointment are also eligible to participate in the health plan.

Staff members with a regular, part time appointment who are scheduled to work at least 1040 hours annually are eligible to participate in the retirement plan. Term staff and contingent faculty members normally do not participate in the retirement plan unless they have held a full-time appointment for 24 consecutive months and continue to hold at least a half-time appointment.

An employee's benefit status is determined by his or her primary appointment. Multiple positions normally will not be combined to determine eligibility for benefits, and benefits earned in one position may not be used when an employee is working in a position which is not eligible for benefits.

Each employee should contact the Office of Human Resources as soon as possible after employment to discuss eligibility for benefits and complete all necessary enrollment forms.

Employees must notify the Office of Human Resources of a change in marital status, deletions or additions of dependents, or changes of beneficiaries.

The following benefits are subject to IRS guidelines and are deducted from wages on a pre-tax basis—health plan, dental insurance, vision insurance, and medical and dependent care spending accounts.

## **400 TIME AWAY FROM WORK**

### **401 INTRODUCTION TO TIME AWAY FROM WORK**

The University has extremely generous sick leave, vacation, holiday and short term disability programs. Staff members who are away from work in excess of accrued leave normally will be disciplined unless they have been awarded a leave of absence. Staff members who are away from work for more than one year are normally considered to have voluntarily terminated their employment.

All of the benefits for Vacation, Sick Leave, and Short-Term Disability Leave refer to full-time regular staff members or term appointees for terms in excess of two years with the exception of Holiday leave, which is available to term staff with a term appointment of at least one academic year. Part-time regular staff members or term appointees for terms in excess of two years, who regularly work at least 1/2 time (1040 hours annually for non-exempt staff), are entitled to these benefits on a prorated basis. Temporary or short-term staff members are not eligible for these benefits.

### **402 VACATION**

Full-time non-exempt staff members receive ten work days of vacation with pay per year. After eight years of service, 15 work days of vacation are received; after 15 years of service, 20 work days of vacation are received. Part-time non-exempt staff members, who regularly work 20 or more hours per week, receive vacation hours in direct proportion to the hours worked.

Full-time exempt staff members who have full-year appointments receive 24 work days of vacation per year. Part-time exempt staff members who have full-year appointments and who work an equivalent of at least one-half time, receive vacation in proportion to the time worked.

Vacation for non-exempt staff members accrues biweekly and vacation for exempt staff members accrues monthly. During the first six months of employment non-exempt staff members may not use accrued vacation. However, they are credited with the amount of vacation accrued at the time they complete six months of service. Vacation does not accrue when staff members are on leave from the University. Vacation cannot be taken before it is earned without permission of the appropriate division head and the Director of Human Resources.

Although the University seeks to schedule vacations at the times sought by staff members, it is not always possible to do so to accommodate the University's work cycle. Except in an emergency, arrangements to take vacation must be made with the staff member's supervisor prior to its use. Any staff member who believes that he or she has been unfairly prevented from taking vacation should inform the Associate Director of Human Resources; likewise, supervisors should inform the Associate Director of Human Resources whenever a staff member is not taking advantage of the vacation benefit.

Because the University believes that individuals should take vacation for their own welfare, vacation must be taken within 24 months after being earned. This means that accrued vacation is limited to the amount of vacation a staff member accrues in two years. Any vacation accrual over that limit will be lost. In an unusual circumstance, a staff member's

supervisor and the Director of Human Resources can extend the time period for taking vacation.

Upon resignation or retirement, staff members are paid for accrued but unused vacation up to a maximum amount of one year's vacation accrual.

#### **403 PERSONAL LEAVE**

Full-time non-exempt staff members receive three days of paid personal leave per fiscal year. Full-time exempt staff members with full year appointments receive one day of paid personal leave per fiscal year. These days may be used for any purpose. Personal leave may be taken at any time with the advance approval of the staff member's supervisor. Personal leave is accrued along with vacation for non-exempt staff and is included in the total vacation shown on the paycheck stub.

Part-time non-exempt staff members who regularly work 20 or more hours per week accrue personal leave in direct proportion to hours worked. Part-time exempt staff members who have a full year appointment and who work the equivalent of at least one-half time accrue personal leave in proportion to the time worked.

#### **404 HOLIDAYS**

The University observes the following as holidays:

New Year's Day

Spring Holiday (last Friday in Spring Break)

Memorial Day

Independence Day

Thanksgiving Day and the day following Thanksgiving

Christmas Day and at least 2 other designated days

In lieu of Labor Day, any eligible staff member may take a floating holiday on or after Labor Day and before December 31, provided that the staff member was hired prior to Labor Day.

All staff members receive the same holidays; however, only staff members with a regular or a term appointment of one academic year, and who are working, on vacation, or on sick leave the day prior to the holiday are paid for the time off. Holiday leave may not be taken in advance of the holiday. If a staff member is required to work on a holiday, he or she may receive equivalent time off within 30 days of the holiday with the supervisor's approval unless the staff member receives holiday pay. Non-exempt staff members who work New Year's Day, Memorial Day, Independence Day, Thanksgiving Day or Christmas Day will be paid for the actual hours worked on the holiday plus up to 8 hours of holiday pay. Holiday pay is paid at regular rates and not at overtime rates. Holiday leave does not accrue from year to year and is not paid out upon resignation or termination.

#### **405 SICK LEAVE**

Staff members accrue sick leave at the rate of one day for each calendar month up to a maximum of 40 days. Sick leave does not accrue when a staff member is on leave from the University. Staff members with academic year appointments or staff members who work more than half-time, but less than full-time, accrue sick leave on a prorated basis.

Absence due to illness shall be reported to the absentee's supervisor as soon as possible on the first day of absence. A doctor's statement may be required for sick leave in excess of three days, or whenever the supervisor or Human Resources deems it appropriate to question the validity of such leave. Sick leave may be used to cover absences due to illness, injury, or required medical examination of a staff member or a staff member's child, spouse or parent. Sick leave may also be used to make arrangements for and attend the funeral of a member of one's immediate family (see *105 NEPOTISM* for definition of immediate family).

When a staff member is absent from work on sick leave more than three working days for a serious health condition, the staff member must apply for family and medical leave to cover that absence if the staff member is eligible for such leave. The staff member's supervisor is responsible for working with the Office of Human Resources to ensure that the paperwork required by the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) is completed (see *407 FAMILY AND MEDICAL LEAVE*).

If an absence due to illness or injury exceeds the accumulated sick leave credit, accrued vacation will be used. Extended sick leave with pay may be granted for a prolonged illness at the discretion of the Vice Chancellor. Leave without pay, subject to the approval of the individual's supervisor and the Provost (see *408 LEAVE OF ABSENCE WITHOUT PAY*), may be used after all other leave has been exhausted. Staff members absent due to illness or injury for a full pay period do not accrue sick leave and vacation.

Sick leave may not be transferred to another staff member under any circumstances and staff members are not reimbursed for accumulated sick leave upon final separation from the University.

#### **406 SHORT-TERM DISABILITY LEAVE**

Full-time staff members accumulate 22 days of short-term disability leave for each full year's service to the University up to a maximum of 110 days.

Staff members who are employed less than full-time or who have academic year appointments accrue short-term disability leave in proportion to the time worked. For example: a non-exempt staff member working 20 hours per week receives one-half of the short-term disability leave benefits received by a full-time staff member. Full-time coaches who do not accrue vacation and sick leave accrue 22 days of short-term disability leave per year, and part-time coaches accrue in proportion to the time worked.

A staff member becomes eligible for short-term disability leave benefits after 22 days of total disability under a qualified physician's care and with a written statement from the physician certifying disability. The University may require that the certifying physician provide detailed information regarding the nature of the disability, the program of treatment, and the prognosis for the staff member's return to work. The certifying physician may also be asked to provide periodic reports verifying that the staff member is still under the physician's care and following the prescribed course of treatment. If the staff member is no longer under a physician's care or is no longer following the prescribed course of treatment, the University reserves the right to discontinue this leave. The University also reserves the privilege of requiring a second medical opinion from a University-designated physician before approving disability benefits. Should the medical opinions of the staff member's physician and the University-designated physician concerning short-term disability differ, a third physician, chosen mutually by the staff member and the University, will be asked to render an opinion. The majority opinion of the three physicians will be binding.

Staff members who return to work following short-term disability leave and who qualify as disabled due to the same illness within six months after their return are not required to meet the 22 day elimination period a second time. However, the 22 day elimination period must be met if the staff member is off for a different illness.

Should the staff member remain disabled after six months, the disabled staff member should apply for long-term disability (see *HUMAN RESOURCES FOR INFORMATION*).

Staff members on short-term disability leave for a full pay period do not accrue sick leave, vacation, or short-term disability leave, and are not paid for holidays. Employees who are granted short-term disability leave may not work for another employer or otherwise engage in activities inconsistent with the employee's representation that he or she is unable to work due to disability. Employees who violate this policy may be terminated.

As of the date of retirement, resignation, or termination of employment, the staff member forfeits all accrued short-term disability leave. Should the staff member be re-employed by the University, he or she receives no short-term disability benefits due to prior service.

Short-term disability leave will under no circumstances continue to be paid after the date of termination of employment.

Any questions about this short-term disability leave policy should be directed to the Director of Human Resources.

#### **407 LEAVE OF ABSENCE WITH PAY**

Paid leave shall be granted to a staff member who serves on a jury in any state or federal court as required by law. The staff member will receive his or her regular pay less court payments. If excused by the court, the staff member must return to duty for the remainder of the day. A copy of the summons to jury duty must be furnished to the staff member's supervisor on the next scheduled work day following receipt of the summons.

All staff members who are members of any reserve component of the armed forces of the United States or of the National Guard shall be entitled to paid military leave for periods of military service as required by state and federal law.

Staff members may be excused once annually for the purpose of attending church conventions of any denomination, providing they are official delegates to the convention and such absence is approved by the department and division heads, and does not exceed two days.

Staff members on leave of absence with pay for a full pay period do not accrue vacation, sick leave, or short term disability leave.

#### **408 FAMILY AND MEDICAL LEAVE**

The following information about FMLA is provided in accordance with federal law. Please contact the Office of Human Resources for further information about FMLA.

## **Basic Leave Entitlement**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

## **Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

## **Benefits and Protections**

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

## **Eligibility Requirements**

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

## **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### **Substitution of Paid Leave for Unpaid Leave**

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the employer's normal paid leave policies.

### **Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

### **Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

### **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

## **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

Tennessee state law may provide an additional 4 weeks of unpaid leave for the birth of a child to full time staff members who have been employed for at least 1 year and who provide at least 3 months' notice of the need for leave. Further information is available in the Office of Human Resources.

Employees on FMLA leave may not work for another employer or otherwise engage in activities inconsistent with the employee's representation that he or she is unable to work due to the employee's or a family member's serious health condition. Employees who violate this policy are subject to termination.

### **409 LEAVE OF ABSENCE WITHOUT PAY**

Leave of absence without pay may be granted for justifiable absences. Normally requests must be recommended by the department and division heads (a specific period for the leave must be recommended), and approved by the Provost. A staff member who does not return to work at the end of the leave period will be deemed to have resigned.

A staff member on leave of absence without pay for FMLA, military duty, or formal study may be eligible to continue membership in all group insurance plans in which enrolled prior to commencement of the leave for the full period of the leave. Costs for such insurances shall be at the regular staff member rates of contribution or COBRA rates.

Vacation time, sick leave, and short-term disability will not accrue during leave without pay; however, earned credit may be carried forward.

### **410 CLOSING UNIVERSITY OFFICES FOR FUNERALS**

In the case of the death of a current or retired staff member, the head of the deceased staff member's department may close his or her office in order to permit the staff to attend the funeral. If departments other than the deceased staff member's department wish to close their offices or permit staff to attend the funeral, they should obtain permission from the head of their division.

When an office is closed for a funeral, regular non-exempt staff members scheduled to work during the funeral will have the time the office is closed counted as time worked. The Office of Human Resources will need to be notified that the office has been closed in order to process time records properly.

## **500 DISCIPLINARY ACTION AND SEPARATIONS**

### **501 DISCIPLINARY ACTION**

All staff members are at-will employees of the University, and the University reserves the right to terminate employment at any time for any lawful reason. However, progressive disciplinary action will normally precede separation for staff members who have finished the introductory period and have regular appointments. However, the seriousness of the actions determines whether and in what manner the schedule is implemented.

1. On the occasion of the first violation of a work rule the supervisor shall take the following action:
  - a. Meet with the staff member to discuss the matter;
  - b. Inform the staff member of the nature of the problem, the action necessary to correct it, and the consequences if it is not corrected; and
  - c. Prepare a memorandum for the supervisor's own records indicating that the meeting has taken place.
2. Should another violation of the work rules occur, the supervisor and a representative from the Office of Human Resources shall hold a meeting with the staff member at which the following action shall be taken:
  - a. Issue a written reprimand to the staff member; and
  - b. Warn the staff member that a third incident will result in more severe disciplinary action.
3. Should additional violations occur, the supervisor shall consult with his or her supervisor and the Associate Director of Human Resources about which one of the following actions should be taken:
  - a. Issue a written reprimand or warning;
  - b. Suspend the staff member without pay for up to ten working days; or
  - c. Terminate the staff member.

No wages, vacation, or sick leave shall be paid or accrued to any staff member while he or she is suspended from work.

Staff members who believe they have been improperly disciplined may use the grievance procedure (see *601 GRIEVANCE PROCEDURES*).

### **502 TERMINATION FOR INADEQUATE PERFORMANCE**

A general though non-exhaustive list of work performance infractions is contained in Appendix A, Work Rules. The procedures contained in 1 through 3 of 501 herein will normally apply to minor work performance inadequacies. In some cases of performance inadequacies, at the University's discretion, the procedures contained in 1 through 3 of 501 herein shall not apply, and the supervisor may recommend to his or her supervisor immediate termination of the staff member or some other disciplinary action. Decisions on termination normally are made jointly by the supervisor's supervisor and the Director or Associate

Director of Human Resources. Termination is effective on the date specified by Human Resources.

### **503 TERMINATION FOR MISCONDUCT**

In cases involving serious misconduct, including but not limited to dishonesty, insubordination, improper conduct, failure to report for work, the threat or use of violence or physical harm to any individual, stealing or damaging University or any individual's property, using or being under the influence of alcoholic beverages or drugs while on duty or otherwise violating the provisions of the Drug-Free Campus Statement (Appendix B) or other serious infractions of University Work Rules (Appendix A), the procedures contained in 1 through 3 of 501 herein shall be disregarded. The supervisor may recommend to his or her supervisor suspension of the staff member immediately and, if appropriate, termination of the staff member. Decisions on suspension and termination normally are made jointly by the supervisor's supervisor and the Director or Associate Director of Human Resources. Termination is effective on the date specified by Human Resources.

### **504 RESIGNATIONS AND TERMINATIONS**

Staff members who are away from work for a period of one year for any reason are normally terminated at the end of that year.

If a non-exempt staff member wishes to resign, at least two weeks' written notice should be given to the department head who will inform the Office of Human Resources. If an exempt staff member wishes to resign, at least one month's written notice should be given to the department head.

A staff member's termination date is the last day the staff member works at the University of the South. In order for a staff member to receive payment for accumulated vacation, the staff member must give proper notice (two weeks for non-exempt staff members and one month for exempt staff members). Except in special circumstances, the staff member must also be at work (not on vacation, etc.) during the notification period. That is, non-exempt staff members must be at work the two weeks prior to the termination date and exempt staff members must be at work the month prior to the termination date. The departing staff member and his or her dependents, in accordance with federal law, may be entitled to continue health insurance coverage at his or her expense. The staff member should consult with the Office of Human Resources if he or she wishes to continue health plan coverage.

Unused vacation up to the maximum amount a staff member receives in one year, may be paid upon termination of employment.

All terminating staff members are required to complete the necessary processing before leaving the University. Any keys to University buildings or other University property must be returned to the supervisor, and all University bills and loans must be paid. Failure to observe these procedures may affect the amount and issuance of the final paycheck.

### **505 UNEMPLOYMENT COMPENSATION**

The University provides unemployment compensation as a benefit to staff members, consistent with state and federal law. If unemployed through no fault of one's own, one may

apply for this compensation at the local office of the Tennessee Department of Employment Security.

According to applicable laws, the following conditions may render the unemployed ineligible for unemployment compensation:

1. voluntary resignation from work;
2. discharge for misconduct;
3. refusal or failure to apply for or to accept suitable work.

**506 LAYOFF**

It is the policy of the University to attempt to provide regular employment for its staff, consistent with the University's needs and resources. Should it become necessary to reduce staff, the University will comply with the applicable state and federal legal requirements.

## **600 RESOLVING STAFF MEMBER CONCERNS**

### **601 INTRODUCTION TO GRIEVANCE PROCEDURES**

In the interest of good working relations it is expected that a staff member should discuss work-related problems with his or her supervisor. Should that step fail to resolve a problem, the Associate Director of Human Resource is available to assist the staff member and the supervisor in the resolution of personnel problems. All staff members and supervisors are encouraged to consult with the Office of Human Resources whenever doubts arise regarding staff member responsibilities, privileges, or behavior. Most concerns regarding policy or procedure can be resolved by the supervisor, the supervisor's supervisor, or the Director and staff of the Office of Human Resources.

### **602 GRIEVANCE PROCEDURES**

A grievance is defined as, and limited to, a written complaint involving an alleged violation of a specific provision of this *Handbook*.

The grievance procedure is available to all regular full-time and regular part-time staff members who have successfully completed the introductory period. Such a staff member who has a complaint or dissatisfaction arising from an interpretation, application, or a claim of violation of policy, rules or regulations as described in this *Handbook* may initiate a formal grievance.

The following matters cannot be considered under these procedures:

1. Elimination of a position.
2. Changes in policy.
3. Termination of staff members.
4. Concerns regarding the staff member's Performance Improvement Plan or compensation.
5. Allegations of sexual discrimination under Title IX of the Education Amendments of 1972 and disability discrimination under the Rehabilitation Act of 1993 for which a different grievance procedure is provided (see *APPENDIX C HARASSMENT POLICY AND PROCEDURES OF THE UNIVERSITY OF THE SOUTH* and *APPENDIX D GRIEVANCE PROCEDURE FOR DISCRIMINATION ON THE BASIS OF SEX OR DISABILITY*).

In order to use the grievance procedure, a staff member must file his or her complaint with the Office of Human Resources within 20 working days following the incident which is the subject of the grievance.

A staff member may select one member of the University faculty or staff who does not have a direct interest in the outcome to support the staff member during the grievance process. The Associate Director of Human Resources shall, if requested, help the staff member find a suitable person.

Time spent in grievance hearings shall be with pay for the staff member whenever it occurs during normal working hours.

Staff members are expected to exhaust the remedies available to them in the University grievance procedure prior to instituting any proceedings regarding the subject matter of the grievance in any state or federal court or agency. If, prior to or subsequent to commencing a complaint under the University's grievance procedure, a complainant files a claim regarding the subject matter of the complaint with a state or federal court or agency, the University reserves the right to discontinue the grievance proceedings.

The Associate Director of Human Resources, in his or her discretion, may extend any time limit of this grievance procedure.

### **STEP ONE—Discussion with Immediate Supervisor**

Most grievances and on-the-job conflicts can and should be settled in conversation between the staff member and the staff member's supervisor. In some situations, the staff member may wish to discuss the matter directly with the Associate Director of Human Resources.

### **STEP TWO—Discussion with Higher-Level Supervisor**

If the staff member and the immediate supervisor are not able to reach a mutually satisfactory resolution to the grievance, the staff member may discuss the matter with the next-higher-level supervisor within five working days of the discussion with the immediate supervisor. Failure to proceed in a timely manner shall be deemed a waiver by the staff member and the grievance shall be deemed to have been settled.

If the staff member is satisfied with the decision reached by the next-higher-level-supervisor, no additional action is required. If not satisfied, the staff member may proceed to step three. (If no decision is communicated to the staff member within five working days of the initial discussion between the staff member and the next-higher-level supervisor, the staff member may proceed directly to step three.)

### **STEP THREE—Written Grievance**

For any further action, the grievance must be in writing, signed by the staff member, and submitted to the department head within five working days of the completion of step two.

The written grievance:

1. must identify the provision of the *Handbook* which is alleged to have been violated,
2. must have a concise statement of the facts surrounding the grievance, and
3. must state the remedy sought.

Any grievance which does not include these essential elements may be rejected.

### **STEP FOUR—The Associate Director of Human Resources' Hearing**

A meeting is then convened by the Associate Director of Human Resources within five working days of the request. The staff member may be accompanied by one member of the

University faculty or staff who does not have a direct interest in the outcome. At this meeting each party may present information concerning the grievance. The Associate Director of Human Resources may also obtain information from other sources.

The Associate Director of Human Resources or a designated representative shall render a recommendation for resolving the grievance in writing to the staff member within seven working days from the date the meeting was held.

#### **STEP FIVE—The Final Appeal**

If the staff member is not satisfied with the recommendation of the Associate Director of Human Resources, he or she must initiate such action within seven working days after receipt of the recommendation.

The Provost will then appoint a three-member Review Committee. This committee will normally consist of a member of the Employees' Advisory Committee who is not from the same working unit as the grievant, a member of the administration, and a member of the Faculty Committee on Advice and Grievances, who will serve as Chair of the Review Committee. The Chair of the Review Committee will convene and conduct a meeting at which the grievant and the person(s) against whom the grievance was filed may appeal and present information concerning the grievance. The Associate Director of Human Resources may also present additional information. The recommendation of the Review Committee will be by majority vote of its members, and the recommendation and its justification will be sent to the Provost within 30 days of the review meeting. The Provost will render his or her decision within ten days of receipt of the Review Committee's recommendation. The decision of the Provost is final.

### **603 EMPLOYEES' ADVISORY COMMITTEE**

The purpose of the Employees' Advisory Committee of the University of the South is to facilitate effective communication between staff members and the senior administrative staff. The committee does not have policy-making powers. As partners in the mission and life of the University, the Committee seeks to foster interaction and positive communications.

The Employees' Advisory Committee is composed of two volunteers from each division, one exempt and one nonexempt, who shall serve for a two-year term. The Director and Associate Director of Human Resources are *ex-officio* members of the Employees' Advisory Committee, and committee members on a rotational basis chair the meetings, set the agenda, and see that minutes are taken. The Associate Director of Human Resources is responsible for coordinating the meetings and seeing that the minutes are posted on Human Resources' website. Staff members who wish to add items to the agenda should contact a member of the committee or the Associate Director of Human Resources.

The Employees' Advisory Committee will normally meet once each semester.

## **700 HUMAN RESOURCES OPERATIONS**

### **701 EMPLOYMENT RECORDS**

The University maintains certain records on each staff member, which are directly related to the staff member's job with the University. These records include the staff member's personnel file, benefits file, and payroll file. Medical information, unrelated to work performance or attendance, is filed separately.

Access to the files is on a need-to-know basis. Examples of individuals who have a legitimate need to inspect employment records include: the Vice Chancellor, the Provost, Treasurer, the University Legal Counsel, the Director and staff of the Office of Human Resources, and a department head who is considering a staff member for promotion, transfer or other personnel action.

In order to keep employment records up-to-date, staff members are urged to notify the Office of Human Resources of any changes in name, address, telephone number, marital status, number of dependents, beneficiary designations for any of the University's benefits, and persons to be notified in the event of an emergency.

When a change in the number of dependents or marital status occurs, the staff member should request (from the Office of Human Resources) and complete a new W-4 form for income tax withholding purposes.

### **702 PERSONNEL FILE**

Each staff member's personnel file contains information needed by the University in conducting its business or required by federal, state, or local law.

Each staff member is allowed to inspect and make copies of his or her personnel records, except for letters of recommendation (which are usually provided on a confidential basis) and termination forms (which contain ratings which are provided on a confidential basis). A staff member seeking to inspect his or her personnel file should inform the Human Resources Coordinator, who will schedule a mutually convenient time for the inspection. A reasonable charge may be made for any copies of records.

If after inspecting his or her personnel records the staff member believes that certain material is irrelevant, inaccurate or obsolete, he or she may submit a written request to the Associate Director of Human Resources to remove the material from the file. If the material is not removed, the staff member is permitted to place a written statement of disagreement in the file.

### **703 RELEASE OF EMPLOYMENT INFORMATION**

All requests from sources outside the University for personnel information concerning applications for employment, current staff members, and former staff members shall be directed to the Office of Human Resources, which will normally only release employment dates, positions held, and location of job site without the written consent of the individual who is the subject of the inquiry or his or her representative.

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## APPENDIX A—WORK RULES

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### WORK RULES

#### I. INTRODUCTION

Work rules are defined as rules issued by the University regulating the conduct of staff members while at work. Work rules are designed to protect the rights and increase the safety of all. They provide written guidance to both supervisors and staff members regarding the standards of behavior expected at work.

The University's general work rules are listed below. Committing any of the infractions on the list may be sufficient grounds for disciplinary action ranging from reprimand to immediate discharge. The severity of the discipline will depend upon, among other things, the seriousness of the offense, the number of infractions, the prior disciplinary history of the staff member, and the specific context of the incident(s) giving rise to the infraction(s). Staff members who feel the work rules have been applied unfairly are encouraged to discuss the matter with their supervisor or the Associate Director of Human Resources. Staff members who are concerned that a co-worker is violating the work rules may discuss the matter with their supervisor or with the Associate Director of Human Resources.

These work rules constitute the general work rules applicable to staff members of the University. Additional work rules may be issued which concern only individual positions or classes of positions or work units when such work rules are required by the nature of the work performed. Likewise, these work rules do not constitute all infractions for which staff members may be disciplined. Other work rules, for example, are provided by law or established by the University administration. Violation of them may also result in appropriate disciplinary action. An employee's conduct away from work may also result in disciplinary action, including termination.

#### II. WORK PERFORMANCE INFRACTIONS

- A. Insubordination, disobedience, failure or refusal to follow the written or oral instructions of a supervisor or to carry out work assignments.
- B. Neglecting job duties and responsibilities.
- C. Loafing, loitering, sleeping, engaging in unauthorized personal business, or visiting during work hours.
- D. Disclosure of confidential information or records to unauthorized personnel.
- E. Falsifying employment application or other records or giving false information.
- F. Failure to observe all safety rules and practices, including the use of protective equipment and clothing, or in the operation of vehicles and equipment.
- G. Failure to report as soon as possible, but no later than 24 hours following their occurrence, all accidents or injuries occurring during working hours or while in the performance of University business, including traffic accidents, regardless of the ownership of the vehicles involved.
- H. Inadequate work performance.

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## APPENDIX A—WORK RULES

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- I. Failure to cooperate in any University investigation.
- J. Failure to comply with any University policy.

### III. ATTENDANCE INFRACTIONS

- A. Failure to report promptly at the scheduled starting time; leaving before the scheduled quitting time; or failure to notify the proper authority in a timely manner of an impending absence or tardiness.
- B. Unexcused or excessive absenteeism.
- C. Abuse of sick or other leaves.
- D. Leaving work during working hours without the supervisor's permission.
- E. Failure to observe the time limits for lunch or rest periods.
- F. Failure to notify one's supervisor of membership in the Volunteer Fire Department or Emergency Medical Service.
- G. Falsifying time records or clocking in or out for another person.

### IV. PROPERTY INFRACTIONS

- A. Abuse or misuse of University or private property, materials, equipment or technology resources such as email and internet access.
- B. Stealing or unauthorized possession or use of University or private property, equipment or materials.
- C. Unauthorized posting or removing of notices, signs, posters or similar materials.
- D. Unauthorized entry to University property.
- E. Unauthorized use of the University's long-distance phone service for personal calls.

### V. PERSONAL ACTION INFRACTIONS

- A. Threatening, attempting, or inflicting bodily harm to University personnel or members of the general public.
- B. Using threatening, intimidating, abusive, or profane language toward others.
- C. Inappropriate behavior that is disruptive to the operation of the office or endangers the physical or mental well-being of co-workers.
- D. Failure to observe smoking regulations.
- E. Unauthorized possession or use of weapons. It is a felony under Tennessee law to carry weapons on University property.
- F. Making false or malicious statements concerning other staff members or the University.
- G. Unauthorized possession or use of alcoholic beverages or narcotics during work hours, while on University time or at a University work site or otherwise violating the

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## APPENDIX A—WORK RULES

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provisions of the Drug-Free Campus Statement of the University of the South (Appendix B).

- H. Reporting to work in a condition endangering the safety of the staff member, of co-workers or of other University personnel; or inability to perform job responsibilities due to the influence of alcohol and/or narcotics.
- I. Immoral conduct or indecency.
- J. Violation of health or sanitation procedures, directions and requirements, including littering, or creating unsanitary conditions.
- K. Unless authorized by the departmental supervisor, staff members may not distribute printed materials of any kind in any work areas and may not sell merchandise or solicit contributions or support for any cause during working hours.
- L. The unauthorized distribution of printed matter on University time or premises.
- M. The unauthorized possession, lending, borrowing, duplication or use of University keys or credit cards; or failure to report promptly their loss.
- N. Dress or grooming which is inappropriate or unsanitary for the staff member's specific assignment. Dress standards are established by departments.
- O. Gambling while on University time or premises.
- P. Soliciting or accepting unauthorized compensation, reward, gratuity or gifts for a matter related to a staff member's job.

### **VI. OUTSIDE ACTIVITIES AND EMPLOYMENT**

Engaging in any outside activities or employment which could involve a conflict of interest in terms of the staff member's relationship to the University is a violation of the work rules.

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## APPENDIX B—DRUG FREE CAMPUS STATEMENT

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### DRUG AND ALCOHOL ABUSE PREVENTION STATEMENT FOR THE UNIVERSITY OF THE SOUTH

This statement is provided in compliance with the provisions of The Drug-Free Workplace Act of 1988 (41 U.S.C. Sec. 701, et. seq.) and The Drug-Free Schools and Campuses regulations (34 CFR §86) to all University of the South employees and students. The University of the South is committed to achieving a drug free campus and will both support those who voluntarily take steps to rid themselves of drug and alcohol abuse and rigorously enforce applicable laws and policies.

#### **POLICY**

The unlawful possession, use, distribution, sale, or manufacture of drugs and alcohol on the University of the South campus, on property owned or controlled by the University of the South, or as part of any activity of the University of the South is strictly prohibited. All employees and students are subject to applicable federal, state, and local laws related to this matter. Additionally, any violation of this policy will result in disciplinary action that may include termination of employment or expulsion from the University.

#### **LEGAL SANCTIONS**

Various federal, state, and local statutes make it unlawful to possess, use, distribute, sell, or manufacture controlled substances. The penalty imposed depends upon various factors, including the type and amount of controlled substance involved, the number of prior offenses, if any, whether death or serious bodily injury resulted from the use of such substance and whether any other crimes were committed in connection with the use of the controlled substance.

Possible maximum penalties for a first time violation of federal criminal drug laws include imprisonment for any period of time up to a term of life imprisonment, substantial fines, supervised release, or any combination of the above. These sanctions are doubled when the offense involves either: 1) distribution or possession at or near a school or college campus or 2) distribution to persons under 21 years of age. Repeat offenders may be punished to a greater extent as provided by statute. Further, a civil penalty of up to \$10,000 may be assessed for simple possession of “personal use amounts” of certain specified substances under federal law (21 U.S.C. Sec. 801, et. seq.).

Under state law, the offenses of distribution, possession, or casual exchange of controlled substances are punishable as a Class A misdemeanor for a first offense (unless the possession is authorized by a valid prescription). If there is an exchange between a minor and an adult at least two years the minor’s senior and the adult knew that the person was a minor, the offense is classified as a felony. See T.C.A. §§39-17-417, 418. It is also a Class A misdemeanor to possess with intent to use drug paraphernalia. T.C.A. §39-17-425. Class A misdemeanors are punishable by imprisonment of up to one year and fines up to \$2,500.

It is unlawful for any person under the age of 21 to buy, possess, transport (unless in the course of his or her employment) or consume alcoholic beverages, wine, or beer. T.C.A. §1-3-113. Further, it is an offense (1) to provide alcoholic beverages to any person under the age of 21, including purchasing alcoholic beverages for or at the request of a person under 21 years of age, (2) for a person under 21 to attempt to purchase alcohol, and (3) to use false identification to purchase alcohol. T.C.A. §57-3-412 and 57-5-301. Such offenses are generally classified as misdemeanors punishable by prison

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## APPENDIX B—DRUG FREE CAMPUS STATEMENT

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sentences of less than a year and fines ranging from \$50 to \$2,500. Repeat offenders may be subject to harsher penalties.

### THE UNIVERSITY OF THE SOUTH SANCTIONS

The University of the South will impose appropriate sanction(s) on any employee or student who fails to comply with the terms of this policy.

As a condition of employment, each employee, including student employees, must abide by the terms of this policy, and must notify his or her department head or supervisor of any criminal drug statute conviction for a violation involving the workplace no later than five days after such conviction. A conviction includes a finding of guilt, a plea of nolo contendere, or imposition of a sentence by any federal or state judicial body. In the event any such conviction involves an employee working on a federal contract or grant, the University will contact the granting or contracting federal agency within ten days of receiving notice of a conviction. Possible disciplinary sanctions for failure to comply with this policy, including failure to notify of conviction, may include one or more of the following:

1. termination;
2. suspension;
3. mandatory participation in and satisfactory completion of a drug/alcohol abuse program or rehabilitation program;
4. recommendation for professional counseling;
5. referral for prosecution;
6. letter of warning;
7. probation.

### STUDENTS

Possible disciplinary sanctions for failure to comply with the terms of this policy, including failure to notify of conviction, may include one or more of the following:

1. expulsion;
2. suspension;
3. mandatory participation in and satisfactory completion of a drug/alcohol abuse program or rehabilitation program;
4. referral for prosecution;
5. probation;
6. fines;
7. community service;
8. reprimand.

For those cases warranting consideration of readmission for students or reinstatement for employees, any such consideration will only be given following appropriate counseling and rehabilitation.

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## **APPENDIX B—DRUG FREE CAMPUS STATEMENT**

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### **HEALTH RISKS ASSOCIATED WITH THE ABUSE OF DRUGS AND ALCOHOL**

Many health risks are associated with the abuse of drugs and alcohol, including organic damage; impairment of brain activity, digestion, and blood circulation; impairment of physiological processes and mental functioning; and physical and psychological dependence. Such use during pregnancy may cause spontaneous abortion, various birth defects, or fetal alcohol syndrome. In addition, the illicit use of drugs can increase the risks of contracting hepatitis, AIDS, and other infections. If used excessively, alcohol or drugs taken singly or in certain combinations may cause death. Additional information on the risks associated with drug and alcohol abuse is available at the University Counseling Service.

### **AVAILABLE DRUG AND ALCOHOL COUNSELING, TREATMENT, AND REHABILITATION PROGRAMS**

The University urges students and employees engaged in the abuse of drugs and/or the abuse of alcohol to seek professional advice and treatment. The University's health plan for employees and their dependents and many other health plans provide some coverage for substance abuse treatment. Preliminary evaluations, case assessment, and referral for University students are provided by the staff of the University Counseling Service. Information about various drug and alcohol counseling, treatment and/or rehabilitation programs in Sewanee, Winchester, Tullahoma, Chattanooga, Nashville, and elsewhere in the country is also available from the University Counseling Service, the Office of Deans of Students and the Office of Human Resources. All inquiries will be treated confidentially to the extent possible.

Updated October 2011

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## APPENDIX C—HARASSMENT POLICY AND PROCEDURES

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### HARASSMENT POLICY AND PROCEDURES OF THE UNIVERSITY OF THE SOUTH

The University of the South stands firmly for the principle that its students, faculty, and staff members have a right to be free from harassment based on race, color, sex, religion, national origin, age, disability, sexual orientation, or protected activity under anti-discrimination statutes by any other member of the University community, and the University will not tolerate any form of harassment.

Conduct prohibited by this policy does not include simple teasing, offhand comments, or isolated incidents that are not extremely serious.<sup>1</sup> Rather, conduct that rises to the level of harassment must be so offensive as to alter the conditions of employment or the educational environment. If the harassment culminates in a tangible employment or education action or is sufficiently severe or pervasive so that a hostile work or education environment is created, then the conduct is prohibited. Examples of tangible employment actions include hiring and firing; promotion and failure to promote; demotion; and significant change in benefits. Examples of tangible education actions include lowering or raising a grade and passing or refusing to pass a student in any course. A hostile environment may result from actions between students or between employees and students. Conduct that may create a hostile environment includes offensive statements and comments, unwelcome touching, and displays of offensive pictures or other materials.

Employees and students are strongly encouraged to report all incidents of harassment, including those that may not amount to a violation of law because they are not sufficiently severe or are isolated events. All supervisors must report incidents of harassment to their division head. Employees and students who make complaints of harassment or provide information related to such complaints will be protected against retaliation. No one will be reprimanded or discriminated against in any way for initiating an inquiry or complaint in good faith. The University will also endeavor to protect the rights of any person against whom a complaint is lodged. Once an inquiry or complaint is made, every effort will be made to resolve the problem within a reasonable time. All complaints must be reported to the University's legal counsel who advises the University about the implementation of this policy and keeps a written record of every complaint received and any subsequent action taken.

Confidentiality of complaints will be protected to the extent possible, but complete confidentiality is not possible since the University can not conduct an effective investigation without revealing certain information to the alleged harasser and potential witnesses. However, information will be disclosed only to those who need to know about it.

The following procedures describe the options available to any person who believes that he or she has been harassed by a student, employee, or other person at the University of the South (such as contractors, vendors, or other campus visitors). Anyone who wishes clarification or further information about any of these procedures is encouraged to speak with the Associate Director of Human Resources or a dean.

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<sup>1</sup>Conduct that does not violate this policy may violate other University policies and subject an employee or student to disciplinary action.

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## APPENDIX C—HARASSMENT POLICY AND PROCEDURES

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### COUNSELING, ADVICE, AND INFORMAL RESOLUTION

In many instances, informal discussion and mediation can be helpful in resolving perceived instances of harassment. Problems are sometimes easier to resolve when an informal atmosphere encourages people to identify the problem, talk about it, and agree on how to deal with it.

### WHOM TO CONTACT

Problems, questions, and complaints may be discussed with a senior administrative officer. These individuals may be helpful in advising and aiding a person's own efforts to resolve a problem. Such help may involve coaching the individual in preparation for a conversation with the person causing the problem; assisting the individual in writing a letter to that person describing the offending behavior and requesting that it stop; or offering to meet with the person causing the problem.

### FORMAL COMPLAINT PROCEDURES

Anyone who believes himself or herself to be the object of harassment involving a member of the faculty, staff, or student body or other member of the University community may choose, either initially or after having sought an informal resolution, to bring a complaint through the University's formal procedures. Merely discussing a complaint does not commit one to making a formal charge.

1. When to File a Complaint

Prompt reporting of an incident is strongly urged, since it is often difficult to determine the facts of an incident long after they have occurred.

2. How to File a Complaint

- a. Any dean and the Associate Director of Human Resources are authorized to receive formal complaints.
- b. The individual making the complaint may wish to have another member of the University community present at discussions of the complaint.
- c. After discussion with a person authorized to receive a formal complaint, the individual may file a signed, written statement describing the complaint and requesting a formal investigation. This statement will be shown to the accused person.
- d. The authorized recipient of the complaint will notify the Provost of the complaint, and the Provost will appoint an investigative officer.
- e. Use of these internal procedures does not foreclose subsequent legal action. Individuals may wish to obtain legal advice as they consider the courses of action open to them. However, the proceedings described here are not those of a court of law and the presence of legal counsel is not permitted during these discussions.

3. Protection of the Complainant and Respondent

Throughout the complaint process, every effort will be made to protect the individual bringing the complaint (hereinafter referred to as "complainant") from reprisals and to protect the accused (hereinafter referred to as the "respondent") from irresponsible complaints.

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## APPENDIX C—HARASSMENT POLICY AND PROCEDURES

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### 4. The Complaint Process

- a. The timetable set forth below is approximate. The investigative officer may, at his or her discretion, allow additional time for any of the steps noted.
- b. Within 10 days of receiving the written complaint, the investigative officer will consult with the complainant and with the respondent, and others if appropriate, in order to ascertain the facts and views of both the parties. Either party may have another member of the University community present.
- c. The investigative officer will prepare a report, summarizing the relevant evidence, within 30 days of receiving the written complaint. A draft of the report will be shown to the complainant and the respondent in order to permit them the opportunity to respond before a final report is made. Any response must be given to the investigative office within five days of receiving the draft of the report.
- d. The final report, presenting the findings in summary, will be sent to a) the Dean of Students in the College for complaints about undergraduate students, b) the Dean of the College for complaints about faculty in the College, c) the Dean of the School of Theology for complaints about faculty or students in the School of Theology and d) the Treasurer for complaints about staff members or others.
- e. The final report will be shown to the complainant and the respondent. Within five days thereafter, the complainant and the respondent may each submit a statement to the appropriate Dean or Treasurer concerning the report.
- f. Within five days after the submission of any final statements from the complainant and the respondent, the appropriate Dean or Treasurer will decide to:
  - 1) dismiss a complaint if it is found to lack sufficient evidence or to otherwise be without merit; or
  - 2) take whatever action he or she believes is warranted by the evidence; or
  - 3) ask the investigative officer to consider the matter further and submit a supplementary report.The complainant and respondent will be notified of the action taken.
- g. Following the disposition of a case, any party who is dissatisfied with the decision may appeal by submitting a written statement to the Provost within five days, stating with specificity the reasons for his or her dissatisfaction. The Provost, within 10 days of submission of such a request, may decide whether reconsideration is appropriate or, at his or her discretion, submit the matter for further investigation. The decision of the Provost is final.
- h. In certain cases, it may be appropriate for the University to modify the procedures set forth above in light of the nature of the charges, the parties or witnesses involved, the procedures for discipline of faculty as set forth in the Faculty Personnel Procedures, the procedures for discipline of staff members as set forth in the Staff Handbook, or other reasonable cause.

### 5. Penalties

The penalties for harassment depend on the nature of the offense. Sanctions may range from reprimand to dismissal. Any person who intentionally makes a false accusation is also subject to disciplinary action.

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## APPENDIX C—HARASSMENT POLICY AND PROCEDURES

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### 6. What Happens Following the Disposition of a Case

- a. The facts about individual cases and their dispositions are confidential. The appropriate Dean, Treasurer, or Provost will, however, inform the complainant, respondent, and others with a need to know of his or her conclusions in the case.
- b. The investigative officer will ensure that any action determined by the appropriate Dean or Treasurer is carried out.
- c. A permanent, written record of the formal complaint process and its outcome is ordinarily retained by the University. If the complaint did not result in any disciplinary action, the accused person may request the removal of the record from his or her personnel or student file after a reasonable period of time. The University will then determine whether removal is appropriate.

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*The University of the South's policy against harassment is consistent with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and 34 CFR Part 106. In addition to contacting the designated persons specified in these procedures, persons with inquiries regarding the application of Title IX and 34 CFR Part 106 may contact the Regional Civil Rights Director, U.S. Department of Education, Office for Civil Rights, Region IV, 61 Forsyth Street S.W., Suite 19T70, Atlanta, Georgia 30303.*

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## APPENDIX D—GRIEVANCE PROCEDURE FOR DISCRIMINATION

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### GRIEVANCE PROCEDURE FOR DISCRIMINATION ON THE BASIS OF SEX OR DISABILITY FOR THE UNIVERSITY OF THE SOUTH

The University of the South prohibits discrimination in employment, admission of students, and administration of its education programs or activities on the basis of, among other things, sex and disability.

Any student, employee, or applicant for admission or employment may initiate a grievance for sex discrimination which is prohibited by Title IX of the Education Amendments of 1972, as amended.

Any student or employee may initiate a grievance for disability discrimination which is prohibited by the Rehabilitation Act of 1973 (section 504), as amended.

The Compliance Coordinator, will provide assistance to those desiring to file a grievance. A grievance for alleged discrimination must be filed with the Compliance Coordinator within 30 working days of the occurrence of the alleged discrimination. The complaint must be in writing and contain the name of the person making the grievance, the nature and the date of the alleged discrimination, names of any witnesses to the alleged discrimination, names of those injured by the alleged discrimination, and the names of those employees, students, or other persons claimed to be responsible for the alleged discrimination.

At the request of the party initiating the grievance (hereinafter the “grievant”), and at the discretion of the Compliance Coordinator, an attempt will be made to resolve the complaint without recourse to a formal written grievance through informal meetings with appropriate persons.

If a formal grievance is filed, the Compliance Coordinator shall notify the person(s) who must respond to the grievance (hereinafter the “respondent”), and the notification shall include a copy of the grievance and a request that the response be submitted in writing within 10 working days to the Compliance Coordinator. The person(s) required to respond will be the person(s) alleged to be involved in the discrimination or the person with supervisory responsibility for the activity or area which is the subject of the grievance.

If a written response to the grievance has not been received within 10 working days, the Compliance Coordinator shall send a notice of non-response to the designated respondent, the respondent’s immediate supervisor, and the grievant. Within five working days of receipt of the response or the sending of the non-response notice, the Compliance Coordinator shall refer the grievance to the appropriate investigative officer. That officer will normally be an administrator with responsibility in the area under investigation.

Within 20 working days of receipt of the written grievance and response or notice of non-response, the investigative officer shall consult with the grievant and the respondent, and others if appropriate, in order to ascertain the facts and views of both of the parties. The University Legal Counsel may also be consulted. The investigative officer will then notify the grievant, respondent, and the Compliance Coordinator of his or her findings and recommendations. If the grievant or respondent does not accept the investigative officer’s decision, he or she must notify the Compliance Coordinator in writing within five working days of receipt of the decision. If no request for review of the investigative officer’s decision is timely received, the recommended action, if any, shall be taken and the grievance will be considered closed.

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## APPENDIX D—GRIEVANCE PROCEDURE FOR DISCRIMINATION

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If review of the investigative officer's decision is sought, that review will be conducted by a Senior Administrative Officer responsible for the employees or students involved in the grievance unless a Senior Administrative Officer was the grievant, respondent, or investigative officer. In such a case, the Compliance Officer will select an appropriate University official. The appropriate Senior Administrative Officer will decide whether to accept the investigative officer's recommendation or to ask the investigative officer to consider the matter further and submit a supplementary report. Alternatively, a Senior Administrative Officer may appoint a three-person panel to conduct a further investigation and submit a recommendation to a Senior Administrative Officer. A Senior Administrative Officer will notify the grievant, respondent, and Compliance Coordinator of his or her decision which shall be final.

In certain cases, it may be appropriate for a Senior Administrative Officer to modify the procedures set forth above depending upon the nature of the charges and the procedures for discipline of faculty in cases involving grave misconduct or neglect of duty as set forth in the Faculty Personnel Procedures or the procedures of discipline of staff members as set forth in the Staff Handbook.

The facts about individual grievances and their dispositions are confidential except where it may be necessary to reveal information in order to comply with the applicable law.

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## APPENDIX E-CONFLICT OF INTEREST POLICY

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### THE UNIVERSITY OF THE SOUTH CONFLICT OF INTEREST POLICY

(Adopted by the Regents May, 2005  
And Revised June, 2009)

#### **Scope**

This Conflict of Interest policy applies to all members of the Board of Trustees, Board of Regents, and the Executive Staff, and to University Officers, and any University employee with significant involvement in University financial and business matters as determined by the Vice Chancellor.

#### **General Policy**

All decisions made on behalf of the University by members of the Board of Trustees, Board of Regents, and the Executive Staff, University Officers and those employees subject to this policy by the Vice Chancellor's designation, are to be made solely on the basis of a desire to promote, protect, and advance the best interests of the University. A potential conflict of interest occurs when an individual's personal or private interests might lead an independent observer reasonably to question whether the individual's actions or decisions on behalf of the University are influenced by considerations of substantial personal benefit, financial or otherwise. Each person covered by this policy has the responsibility to insure that the University is made aware of situations that involve personal, familial, or business relationships that could create conflicts of interest.

#### **Disclosure**

All persons subject to this policy shall, as soon as he or she has knowledge of a specific transaction in which there may be a conflict, disclose fully the precise nature of his or her interest in that transaction to those at the University involved with the transaction.

All members of the Board of Trustees, Board of Regents and the Executive Staff, as well as Officers and those employees subject to this policy, must complete annually the Conflict of Interest Disclosure form, identifying those business relationships that they (or members of their family) maintain with organizations that do significant business with the University or that might otherwise be construed to potentially affect their independent, unbiased judgment. If any person is uncertain whether a particular relationship should be disclosed, he or she should consult with the Chair of the Board of Regents or the Vice Chancellor, who shall resolve any question as to whether a relationship should be disclosed or a conflict exists.

All information regarding the disclosure of potential conflicts of interest, including the information provided on the Conflict of Interest Disclosure form, shall be confidential except when the best interests of the University would be served by disclosure.

#### **Restriction on Participation**

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## APPENDIX E-CONFLICT OF INTEREST POLICY

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Individuals who have declared or been found to have a conflict of interest must refrain from participating in the consideration of proposed transactions, unless for special reasons the individual is asked for information or interpretation. Persons with conflicts shall not be present for the discussion of the proposed transaction, shall abstain from voting on the matter, and shall not be present at the time of the vote.

### **Definitions**

The following definitions are provided to assist in determining whether a relationship should be disclosed to the University.

**Business Relationship:** A relationship in which a person subject to this policy receives a substantial benefit, and/or in which the person or a member of his or her family serves as an officer, director, employee, member, partner, trustee, or controlling stockholder of an organization that does significant business with the University.

**Family Member:** A spouse; a parent, sibling, child, or their spouses; or any other individual who resides in the same household as the person subject to this policy.

**Significant Business:** The University has determined that it does "significant business" with a party when the relationship results in payments for goods or services to that party of more than \$ 1,000 a year.

**Substantial Benefit:** When the person (or family member) is the actual or beneficial owner of more than 5% of the voting stock or controlling interest of an organization that does significant business with the University or has other dealings with such an organization from which the person benefits directly or indirectly from cash or property receipts that total \$ 1,000 or more per year.

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## APPENDIX F-WHISTLEBLOWER POLICY

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### Employee Protection (Whistleblower) Policy

It is the intent of The University of the South to adhere to all laws and regulations that apply to nonprofit, tax exempt organizations. The purposes of this policy are to support the University's goal of compliance with these laws and regulations, and to seek the support of all employees to achieve this goal.

If any employee reasonably believes that some policy, practice, or activity of the University is in violation of law, a written complaint must be filed by that employee with the Provost or Legal Counsel.

An employee is protected from retaliation if the employee brings the alleged unlawful activity, policy, or practice to the attention of the Provost and Legal Counsel and provides the University with a reasonable opportunity to investigate and correct the alleged unlawful activity. The protection described below is only available to employees who comply with this requirement.

The University will not retaliate against an employee who, in good faith, has raised a complaint against some practice of the University, or of another individual or entity with whom the University has a business relationship, on the basis of a reasonable belief that the practice is in violation of law or a clear mandate of University policy.

June 2009