

# Tennessee Technological University

## Human Resources Policies & Procedures

Revision 1.0.F  
TTU Human Resources Department

*Tennessee Tech University is a Tennessee Board of Regents (TBR) institution and these policies and procedures are subject to change through action by the TBR and the administration of the university, and through State and Federal legislation. As changes occur, this document will be updated. If any policy in this document conflicts with current TBR policy, or State or Federal law, TTU will follow the most recent version of the related TBR policy/guideline or State or Federal law.*

*The Office of Human Resources will provide additional clarification of all human resources policies and procedures.*

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# Human Resources Policies and Procedures

## Affirmative Action, Equal Employment Opportunity and Discrimination

### 1.1 Introduction

It is the intent of Tennessee Technological University to fully comply with Executive Order 11246, as amended; Title VI and Title VII of the 1964 Civil Rights Act, as amended; the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990; and the Vietnam Era Veterans Readjustment Act of 1974, as amended; the Equal Pay Act of 1963, as amended; the Age Discrimination in Employment Act of 1967, as amended; the Age Discrimination Act of 1975; the Pregnancy Discrimination Act; applicable state statutes and all regulations promulgated pursuant thereto. Tennessee Technological University will promote and ensure equal opportunity for all persons without regard to race, color, religion, sex, national origin, disability status, age, or status as qualified veteran with a disability or veteran of the Vietnam era.

It is the intent of Tennessee Technological University that the campus shall be free of harassment on the basis of sex, race, color, religion, national origin, age, or any other protected status and shall fully comply with the anti-harassment provisions of Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972, as amended; the federal and state constitutions; and all other applicable federal and state statutes.

### 1.2 Statement of Policy

Tennessee Technological University hereby reaffirms the policy of the TBR System that the University will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex (except where sex is a bona fide occupational qualification), disability, age, or because of his/her status as a qualified veteran with a disability, veteran of the Vietnam era, or other protected veteran.

Similarly, the University shall not, on the basis of a protected status, subject any student to discrimination under any educational program. No student shall be discriminatorily excluded from participation nor denied the benefits of any educational program on the basis of a protected status.

Tennessee Technological University specifically finds that diversity of students, faculty, administrators, and staff is a crucial element of the educational process and

reaffirms its commitment to enhancing education through affirmative action to increase diversity at all levels.

Tennessee Technological University will take affirmative action to ensure that all individuals are treated during the employment process without regard to their race, color, religion, national origin, sex (except where sex is a bona fide occupational qualification), disability (where he/she is a qualified person with a disability), age, or status as a veteran with a disability or veteran of the Vietnam era. Such action shall include, but not be limited to, actions to:

**1.2.1** Recruit, hire, train and promote persons in all job titles, without regard to any of the foregoing prohibited factors.

**1.2.2** Base decisions on employment so as to further the principles of affirmative action and equal employment opportunity.

**1.2.3** Ensure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities.

**1.2.4** Ensure that all personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, and institution or school sponsored training, education, tuition assistance, and social and recreation programs, will be administered without regard to any of the foregoing prohibited factors.

It is and has been the policy of Tennessee Technological University to maintain its campus as a place of work and study for faculty, staff, and students, free of sexual harassment and harassment on the basis of race, color, religion, national origin, age, or other protected status. Harassment is a form of discrimination, and harassment in the workplace or the educational environment is unacceptable conduct and will not be tolerated.

The University prohibits any retaliatory action against an employee for opposing a practice that he or she believes to be discriminatory, including the filing of an internal complaint or grievance or charge with a state or federal civil rights enforcement agency.

### **1.3 Sexual Orientation**

It is the policy of Tennessee Technological University that neither its students nor its employees be discriminated against on the basis of that individual's sexual orientation. Such a policy helps ensure that only relevant factors are considered and that equitable and consistent standards of conduct and performance will be applied.

For the purpose of this policy, sexual orientation shall be defined as the direction of an individual's emotional, physical, and /or sexual attraction to others, which may be the same sex (homosexual), the opposite sex (heterosexual), or both sexes (bisexual).

This policy shall not be construed to (1) infringe upon the free exchange of ideas essential to the academic environment, (2) limit the freedom of religious association, or (3) establish a duty to engage in affirmative action measures on the basis of sexual orientation. Further, this policy shall not be construed to require the compliance of external government agencies, University programs governed by external agencies in which non-discrimination does not include sexual orientation (i.e., R.O.T.C.), or programs that discriminate as a matter of policy (i.e., Boy Scouts). Notwithstanding the language in this policy, it is also understood that, the eligibility of employees for employment benefits is determined by the laws and regulations of the state of Tennessee and is not affected by this policy.

For the purpose of this policy, a student who has an academic complaint involving discrimination based on his or her sexual orientation should contact the Office of the Provost, and Vice President for Academic Affairs. All other student complaints involving sexual orientation should be directed to the Office of the Dean of Students.

Any individual who has an employment discrimination complaint based upon his or her sexual orientation should contact the University's Affirmative Action Coordinator.

#### **1.4 Administrative Responsibility**

The President of Tennessee Technological University is committed to affirmative action and equal employment opportunity and has assigned the overall responsibility for planning, monitoring and reporting the University's progress in implementing policies of equal employment opportunity and affirmative action to the Affirmative Action Officer. The Affirmative Action Officer will receive, review, and investigate equal opportunity complaints and appeals and make recommendations to the President regarding their disposition. Any inquiries or charges of violation concerning the application of the above referenced policies should be directed to the Affirmative Action Officer, 314D Derryberry Hall, P.O. Box 5164, Cookeville, TN 38505, 931-372-3016. The University's written affirmative action plan is on file in that office. Requests for accommodation of a disability should be directed to Human Resources, 931-372-3034 (TTY available).

Complaints filed against TTU involving grants/projects funded by the Tennessee Department of Transportation, Tennessee Department of Human Services or other agencies having jurisdiction are forwarded within five (5) working days to that agency for investigation and resolution.

# **Discrimination and Harassment - Complaint and Investigation Procedure**

## **2.1 Purpose**

The purpose of this Policy is the orderly resolution of complaints of discrimination on the basis of race, color, religion, ethnic or national origin, sex, sexual orientation/gender identity, disability, age or status as a covered veteran and of sexual or racial harassment at Tennessee Technological University. Fair and prompt consideration shall be given to all complaints in accordance with the procedures set forth below. These procedures may be utilized by any employee, applicant for employment or student who believes he or she has been subjected to discrimination or harassment. Former employees or students may file complaints concerning conduct which took place during the time of employment or enrollment provided the complaint is timely filed, and the conduct has a reasonable connection to the institution.

All employees, including faculty members, are to be knowledgeable of policies and guidelines concerning discrimination and harassment.

All faculty members, students and staff are subject to this Policy. Any faculty member, student or staff found to have violated this Policy by engaging in behavior constituting discrimination or harassment will be subject to disciplinary action which may include dismissal, expulsion or termination or other appropriate sanction.

All faculty and staff members are required to cooperate with investigations of alleged discrimination or harassment. Failure to cooperate may result in disciplinary action being taken up to and including termination. Students are also required to cooperate with these investigations; failure to do so may result in disciplinary action up to and including expulsion.

Because the courts have imposed stricter obligations on employers with regard to sexual harassment, institutions must take measures to periodically educate and train employees regarding conduct that could constitute sexual harassment in violation of this Policy. All employees, including faculty members, are expected to participate in such education and training. Further, while all faculty members, students and staff are responsible for taking reasonable and necessary action to prevent and discourage all types of discrimination and harassment, this is particularly important with regard to sexual harassment. Conduct which might constitute sexual harassment must be promptly reported whether information concerning a complaint is received formally or informally.

## **2.2 General Statement**

It is the intent of Tennessee Technological University to fully comply with Executive Order 11246, as amended; the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; the Vietnam Era Veterans Readjustment Act of 1974, as amended; the Equal Pay Act of 1963, as amended; the Age Discrimination Act of 1975; the Pregnancy Discrimination Act; applicable state statutes and all regulations promulgated pursuant hereto. TTU will promote and ensure equal opportunity for all persons without regard to race, color, religion, ethnic or national origin, sex, disability, age or status as a covered veteran.

It is the intent of TTU that the university shall be free of discrimination on the basis of sex, race, color, religion, ethnic or national origin, age or any other protected status and shall fully comply with the applicable provisions of Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972, as amended; the federal and state constitutions; and all other applicable federal and state statutes.

TTU affirms that it will not tolerate discrimination against any employee or applicant for employment because of race, color, religion, ethnic or national origin, sex, sexual orientation or gender identity, disability, age or status as a covered veteran, nor will they tolerate harassment on the basis of race or sex.

Similarly, the campuses shall not subject any student to discrimination or harassment under any educational program and no student shall be discriminatorily excluded from participation nor denied the benefits of any educational program on the basis of race, color, religion, ethnic or national origin, sex, sexual orientation or gender identity, disability, age or status as a covered veteran.

### **2.2.1 Discrimination**

Discrimination may occur by:

Treating members of a protected class less favorably because of their membership in that class. The protected groups are based upon race, color, religion, ethnic or national origin, sex, sexual orientation/gender identity, disability, age or status as a covered veteran; or,

Having a policy or practice that has a disproportionately adverse impact on protected class members.

### **2.2.2 Sexual Harassment**

Generally, sexual harassment may be defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when one of the following criteria is met:

- a.** submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment or of the individual's status in a program, course or activity;
- b.** submission to or rejection of such conduct by an individual is used as a basis for employment decisions, a criterion for evaluation, or a basis for academic or other decisions affecting such individual; or
- c.** such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational experience or creating an intimidating, hostile or offensive work or educational environment.

Sexual harassment can take many forms, but most sexual harassment falls into three categories: verbal, visual and physical. Some examples of behavior that may constitute sexual harassment are:

- a. Refusing to hire, promote, grant or deny certain privileges because of acceptance or rejection of sexual advances.
- b. Promising a work-related benefit or a grade in return for sexual favors.
- c. Suggestive or inappropriate communications, e-mail, notes, letters or other written materials displaying objects or pictures which are sexual in nature that would create hostile or offensive work or living environments.
- d. Sexual innuendoes, comments and remarks about a person's clothing, body or activities.
- e. Suggestive or insulting sounds.
- f. Whistling in a suggestive manner.
- g. Humor and jokes about sex that denigrate men or women.
- h. Sexual propositions, invitations, or pressure for sexual activity.

- i. Use in the classroom of sexual jokes, stories, remarks or images in no way germane to the subject matter of the class.
- j. Implied or overt sexual threats.
- k. Suggestive or obscene gestures.
- l. Patting, pinching and other inappropriate touching.
- m. Unnecessary touching or brushing against the body.
- n. Attempted or actual kissing or fondling.
- o. Coerced sexual intercourse.
- p. Sexual assault.
- q. Suggestive or inappropriate acts, such as comments, innuendoes or physical contact based on one's actual or perceived sexual orientation and/or gender identity.

The examples listed above are not exclusive, but simply represent types of conduct that may constitute sexual harassment.

Not every act that might be offensive to an individual or a group will be considered harassment. Whether the alleged conduct constitutes sexual harassment depends upon the record as a whole and the totality of the circumstances, such as the nature of the conduct or the sexual advances in the context within which the alleged incident occurs. Harassment does not include verbal expressions or written material that is relevant and appropriately related to course subject matter or curriculum.

Please note that sexual assaults may be criminal acts and as such, investigation and processing by the criminal justice system, local police, campus security and crisis intervention centers may supersede or occur in addition to the process developed under this Policy.

### **2.2.3 Racial Harassment**

Generally, racial harassment is defined as any person's conduct which unreasonably interferes with an employee's or student's status or performance by creating an intimidating, hostile or offensive working or educational environment.

Harassment on the basis of race, color or national origin includes offensive or demeaning treatment of an individual, where such treatment is based on prejudiced stereotypes of a group to which that individual may belong. It includes, but is not limited to, objectionable epithets, threatened or actual physical harm or abuse or other intimidating or insulting conduct directed against the individual because of his/her race, color or national origin. Title VII requires employers to take prompt action to prevent individuals from expressing their opinions in a way which abuses or offends their coworkers.

## **2.3 Consensual Relationships**

Intimate relationships between supervisors and their subordinates and between faculty members and students are strongly discouraged due to the inherent inequality of power in such situations. These relationships could lead to undue favoritism or the perception of undue favoritism, abuse of power, compromised judgment or impaired objectivity.

Engaging in a consensual relationship with a student over whom the faculty member has either grading, supervisory, or other evaluative authority (i.e., member of dissertation committee, thesis director, etc.) constitutes a conflict of interest. The faculty member must take steps to remove the conflict by assigning a different supervisor to the student; resigning from the student's academic committees; or by terminating the relationship at least while the student is in his/her class. Likewise, it is a conflict of interest for a supervisor to engage in a consensual relationship with a subordinate over whom he or she has evaluative or supervisory authority. The supervisor must take action to resolve the conflict of interest by, for example, assigning another individual to supervise and/or evaluate the subordinate.

## **2.4 Procedures**

### **2.4.1 General**

The following procedures are intended to protect the rights of the aggrieved party (hereinafter, "the Complainant") as well as the party against whom a complaint of discrimination or harassment is lodged (hereinafter "the Respondent"), as required by state and federal laws. Each complaint must be properly and promptly investigated and, when warranted, appropriate disciplinary action taken against the Respondent.

The Office of General Counsel shall always be consulted prior to investigation. Hereinafter, references to "Legal Counsel" shall mean the Office of General Counsel.

In situations that require immediate action because of safety or other concerns, the institution may take any administrative action which is appropriate, e.g., administrative leave with pay pending the outcome of the investigation. Students may be placed on interim suspension under the appropriate circumstances pending the outcome of the investigation. Legal Counsel should be contacted before any immediate action is taken.

Each employee, applicant for employment and student shall be notified of the name, office and telephone number of the designated EEO/AA, Student Affairs, Title VI or Title IX officer(s) responsible for assuring compliance with this Policy, TBR policy and guideline and federal law. At TTU, the EEO/AA, Title VI, Title IX officer is Rachel Rader, DH 305. The Student Affairs officer is Ed Boucher, RUC 339.

#### **2.4.2 Filing Complaints**

Any current or former student, applicant for employment or current or former employee who believes he or she has been subjected to discrimination or harassment at TTU or who believes that he/she has observed discrimination or harassment taking place shall present the complaint to the designated EEO/AA, Student Affairs, Title VI or Title IX officer (hereinafter "the Investigator") responsible for compliance with this Policy.

Complaints must be brought within 365 days of the last incident of discrimination or harassment. Complaints brought after that time period will not be pursued absent extraordinary circumstances. The determination of whether the complaint was timely or whether extraordinary circumstances exist to extend the complaint period must be made in conjunction with Legal Counsel.

Every attempt will be made to get the Complainant to provide the complaint in writing. The complaint shall include the circumstances giving rise to the complaint, the dates of the alleged occurrences and names of witnesses, if any. The complaint shall be signed by the Complainant. However, when the Complainant refuses to provide or sign a written complaint, the matter will still be investigated and appropriate action taken. Complaints made anonymously or by a third party must also be investigated to the extent possible.

If the complaint does not rise to the level of discrimination or harassment, the Investigator may determine to dismiss the complaint without further investigation after consultation with Legal Counsel. The Complainant should be informed of

other available processes such as the employee grievance/complaint process, or a student non-academic complaint process.

### **2.4.3 Investigation**

Legal Counsel shall be notified of the complaint, whether written or verbal, as soon as possible after it is brought to the attention of the Investigator and the investigation will be under the direction of Legal Counsel. All investigatory notes and documents shall be attorney work product. The Investigator shall notify the President that an investigation is being initiated.

When the allegation of harassment is against the EEO/AA, Student Affairs Officer, Title VI or Title IX Officer, the President will identify an individual who has been trained in investigating such complaints to investigate the complaint and carry out the responsibilities assigned pursuant to this Guideline. When the allegation of harassment is against the President, the EEO/AA shall notify the Office of the General Counsel who will assign an investigator who will make his/her report to the Chancellor.

When the Respondent is a student, the Student Affairs Office will investigate the complaint in compliance with the procedures outlined in this Policy. If a finding of violation is made, any resulting disciplinary action will be undertaken in compliance with the institution's student disciplinary procedures.

When a student is involved as the Complainant, the Respondent or an individual interviewed, all documentation referring to that student shall be subject to the provisions and protections of the Family Educational Records and Privacy Act (FERPA) and Tennessee Code Annotated Section 10-7-504(a) (4) which requires that certain student disciplinary records are subject to disclosure pursuant to a public records request.

To the extent possible, the investigation will be conducted in such a manner to protect the confidentiality of both parties. However, the Complainant, Respondent and all individuals interviewed shall be informed that the institution has an obligation to address harassment and that, in order to conduct an effective investigation, complete confidentiality cannot be guaranteed. Information may need to be revealed to the Respondent and to potential witnesses. However, information about the complaint should be shared only with those who have a need to know about it. The Complainant and Respondent shall also be informed that a request to inspect documents made pursuant to the Public Records Act may result in certain documents being released.

A Complainant may be informed that if he or she wants to speak privately and in confidence about discrimination or harassment, he or she may wish to consult with a social worker, counselor, therapist or member of the clergy who is permitted, by law, to assure greater confidentiality.

Additionally, the Complainant may be given assurances that measures will be taken against the Respondent should there be retaliation against him or her. Retaliation is prohibited and should be reported to the investigator immediately. Allegations of retaliation must also be investigated pursuant to the procedure set out in this Policy.

The Investigator shall notify in writing the Respondent within five (5) working days of receipt of the complaint. The Respondent shall respond in writing to the complaint within five (5) working days following the date of receipt of the Investigator's notification.

If either the Complainant or the Respondent is a student, the Investigator should communicate the prohibition against disclosure of personally identifiable information with regard to the student, based on FERPA.

The Complainant, the Respondent and all individuals interviewed shall be notified that any retaliation engaged in connection with the complaint or its investigation is strictly prohibited regardless of the outcome of this investigation and may, in itself, be grounds for disciplinary action.

At any time during the course of the investigation, the Investigator may meet with both the Complainant and the Respondent individually for the purpose of resolving the complaint informally. If informal resolution is successful in resolving the complaint, a report of such, having first been reviewed and approved by Legal Counsel, shall be submitted to the President.

If informal resolution is unsuccessful, the Investigator shall draft a report summarizing the investigation which shall be sent to Legal Counsel for review. Each report shall outline the basis of the complaint, including the dates of the alleged occurrences, the response of the Respondent, the findings of the Investigator, whether there were any attempts made to resolve the complaint informally, a determination of whether there was a violation of the Policy and recommendations regarding disposition of the complaint.

After review and approval by Legal Counsel, the report shall be submitted to the President within a reasonable period of time following receipt of the complaint. If

the investigation concerns allegations of sexual harassment, the report shall be submitted within twenty (20) working days following receipt of the complaint. No working papers, statements, etc. generated in the investigation should be attached to the report. In situations where more time is needed to complete the investigation, for reasons such as difficulty in locating a necessary witness, or complexity of the complaint, additional time may be taken, but only following notice to Legal Counsel and written notice to both the Complainant and the Respondent .

If, after investigation, there is insufficient evidence to corroborate the complaint or, in any situation in which the Complainant refuses to cooperate in the investigation, it may be appropriate to discuss the complaint with the Respondent, informing him or her that he or she is not being accused of a violation of this policy, but that the conduct alleged, had it been substantiated, could be found to violate this Policy. Any investigation and subsequent discussion should be documented and a report submitted as set forth in this procedure. It should also be noted that conduct which does not rise to the level of actionable discrimination or harassment may, nevertheless, provide a basis for disciplinary action against the Respondent.

The President shall review the Investigator's report, and shall make a final written determination as to whether a violation has occurred and, what the appropriate resolution should be. After the President has made this determination, the Investigator shall provide both the Complainant and the Respondent with a copy of the determination, along with a copy of the Investigator's report.

If the investigation reveals evidence that a violation of the Policy has occurred, the President may meet with the Respondent and/or the Complainant and attempt to resolve the problem by agreement. Appropriate steps must be taken to ensure that the discrimination or harassment will not reoccur.

If a violation of this Policy is determined to have occurred, the Respondent shall be advised of his/her right to a hearing pursuant to the procedures set forth below. The Respondent must file the request for a hearing within ten (10) working days following receipt of the President's determination.

After completion of the investigation and any subsequent disciplinary proceedings, all documentation shall be forwarded to Legal Counsel. However, copies of the President's determination, the Investigator's report, the complaint (if it concerns an employee) and documentation of any disciplinary action taken against the Respondent should be placed in a file maintained on campus. This file

shall be maintained in a location designated by the President. If such action was taken, copies of documentation establishing disciplinary action taken against the Respondent, whether an employee or student, shall also be maintained in the Respondent's personnel or student record, as appropriate.

Some documents involved in a matter within the scope of this policy may be subject to the Public Records Act and thus open to public inspection. Other documents may be protected under FERPA, the attorney/client privilege or attorney work product and would not be releasable. If a Public Records request is received, Legal Counsel must be consulted prior to the release of any documents.

A complaint found to have been intentionally dishonest or maliciously made will subject the Complainant to appropriate disciplinary action.

#### **2.4.4 Hearing**

If the Respondent requests a hearing, he or she shall be advised of the established institutional procedures available for resolution of the matter in question which will generally be the procedure for the hearing of a grievance before a grievance committee.

The grievance hearing procedures shall include the following minimal requirements:

- a.** Notice to the Respondent of the hearing which must include a summary of the facts that form the basis of the violation; the date, time and place of the hearing; and the rights afforded the Respondent during the hearing process.
- b.** The right of the Respondent to present his or her case.
- c.** The right of the Respondent to be accompanied by an advisor who may assist the Respondent but may not advocate on his or her behalf.
- d.** The right of the Respondent to call witnesses in his or her behalf.
- e.** The right of the Respondent to confront and cross-examine.

In the following situations the Respondent must be given the option of either an institutional hearing, or of having the hearing held pursuant to the Tennessee Uniform Administrative Procedures Act (TUAPA):

- a. The Respondent is a support staff employee whom the President has determined should be demoted, suspended without pay or terminated; or,
- b. The Respondent is a student whom the President has determined should be suspended or expelled.

The election of which hearing process to utilize must be in writing, signed by the Respondent, expressly waiving the TUAPA option.

If the Respondent elects to proceed pursuant to the TUAPA, Legal Counsel should be notified immediately.

Under either hearing procedure, the Respondent bears the burden of proof to establish that no violation of this Policy occurred. The standard of proof in these hearings which the Respondent must meet shall be by a preponderance of the evidence.

When an allegation involves a tenured faculty member, the same informal and formal procedures set out above shall be utilized. Tenured faculty members shall have the same right to elect hearing procedures as set out in this section. However, when the investigation results in a finding that the harassment policy was violated and the President concurs with that finding and determines that procedures pursuant to [TBR Policies 5:02:03:10](#), [5:02:03:60](#) and [5:02:03:70](#) should be undertaken in consideration of the termination of a tenured faculty member, the matter will then proceed directly to a hearing under either the institutional policy for termination of tenure or TBR Policies 5:02:03:10, 5:02:03:60 and 5:02:03:70.

## **2.5 Other Available Grievance or Complaint Procedures**

Other concerns may be addressed in the [TTU Human Resources Policies & Procedures, Section 3, Grievance and Complaint Policy](#) and TTU Student Handbook, [Grade Appeals Procedures](#). TBR policies and guidelines which may be applicable include [Guideline P-080, Discrimination and Harassment – Complaint Investigation Procedure](#); and [Guideline P-110, Employee Grievance/Complaint](#), and [Guideline P-111, Support Staff Grievance](#).

# Grievance and Complaint Policy

## 3.1 Introduction

Tennessee Technological University recognizes the right and responsibility of each employee (faculty and non-faculty) to discuss all matters of concern, including grievances, complaints, differences of opinion and constructive suggestions, with appropriate university personnel, including administrators and committees, councils and other university bodies responsible for ensuring the effective functioning of the University in a manner which is consistent with its mission and with all local, state and national laws, statutes, regulations, and citizens' rights. The University also recognizes its responsibility to provide formal processes through which the most serious of cases can be handled so as to ensure that all aspects of such cases will be heard impartially and fairly, that appropriate resolution will be achieved and that all processes will be completed in a timely fashion.

The procedures described in this policy for discussion of matters of concern apply to all employees and are designed to be applicable to most matters. Employees should be aware, however, that for some matters there are alternate hearing processes and procedures, such as the Tennessee Board of Regents policy concerning Uniform Procedures for Cases Subject to the Tennessee Uniform Administrative Procedures Act (TUAPA) (TBR Policy 1:06:00:05, and the various processes and procedures such as those concerning tenure and promotion of faculty, financial exigency, or those governing various committees, councils and other official university bodies. Employees should become knowledgeable of processes and procedures that apply to them; information on policies may be obtained from administrative, academic or line supervisors.

The following guidelines separate matters of concern into various categories and specify and describe procedures for each category. The following guidelines are in compliance with the Tennessee Board of Regents guidelines on Employee Grievance/Complaint (P-110) and embody all provisions, definitions, and stipulations of the Board guidelines.

## 3.2 Definitions

The following are general definitions of words and terms used in this policy which are not herein specifically defined; however, the words and terms are subject to further qualifications and clarification in the relevant sections of this policy.

### 3.2.1 Affirmative Action/Equal Employment Opportunity Officer/Affirmative Action Officer/EEO/AA Officer/EEO/AA

The University administrator assigned the overall responsibility for planning, monitoring and reporting the University's progress in implementing policies of equal employment opportunity and affirmative action and for promoting and assuring the University's compliance with [TBR Policy No. 5:01:02:00](#).

### **3.2.2 Board/Board of Regents/Tennessee Board of Regents/TBR**

The Tennessee Board of Regents of the State University and Community College System of Tennessee.

### **3.2.3 Complaint**

A complaint is a matter of concern which does not violate Human Resources Policies and Procedures Section 3.2.7 below, does not involve a personnel action (as defined in Human Resources Policies and Procedures, Section 3.2.11 below), has not been reconciled (corrected or remediated) through informal discussions, and for which an employee desires a formal process. Examples of matters of concern that might be the subject of a complaint are class assignments, changes in work shifts or inconsistent application of discipline procedures. The complaint process (as specified in this policy) is to be used as the formal process for reconciliation of a complaint.

### **3.2.4 Complaint Process**

The process by which a complaint is resolved. The process is described in Human Resources Policies and Procedures, Section 3.7.

### **3.2.5 Employees**

All references to the term "employee(s)" contained in this policy include only those individuals defined in this paragraph. Employees shall include administrators, faculty (including full-time faculty on specific term appointments), professionals, clerical and support personnel. Probationary employees are also included in this definition. Student workers, graduate assistants, graduate instructors, adjunct faculty and temporary workers are not included in the definition of employees.

### **3.2.6 Financial Exigency**

The formal declaration by the Tennessee Board of Regents that the University faces an imminent financial crisis, that there is a current or projected absence of sufficient funds (appropriated or non-appropriated) for the University as a whole to maintain current programs and activities at a level sufficient to fulfill its educational goals and priorities, and that the budget can be balanced only by extraordinary means which include the termination of existing and continuing academic and non-academic appointments (see "Financial Exigency Procedures," Tennessee Technological University Faculty Handbook, II-11).

### **3.2.7 Grievance**

A grievance is the most serious category of matters of concern. A grievance can result only from action or actions the University has taken against an employee which:

**A.** violate University or TBR policy or involve an inconsistent application of these same policies:

**B.** violate state or federal discrimination statutes in that the adverse action is based on race, sex, national origin, age, disability, or veteran's status; and/or

**C.** violate any constitutional right (the most likely areas of concern are the First, Fourth or Fourteenth Amendments of the federal constitution when that action hampers free speech, freedom of religion, or the right to association; provides for improper search and seizure; or denies constitutionally required notice or procedures); and which has not been reconciled (corrected or remediated) through informal discussions; and for which an employee desires a formal hearing.

### **3.2.8** Grievance Committee

The committee constituted by the President which is responsible for hearing a grievance and making a written recommendation relative to it to the President. Details of the committee are described in Human Resources Policies and Procedures, Section 3.8.

### **3.2.9** Grievance Hearing

The process by which a grievance is resolved. The process is described in Human Resources Policies and Procedures, Section 3.6.

### **3.2.10** Matters of Concern/Matters

All problems or suggestions of an individual nature which an employee may wish to discuss with appropriate responsible university personnel and for which the employee is seeking some form of corrective action or remediation. Matters of concern include, but are not limited to, grievances, complaints, differences of opinion and constructive suggestions.

### **3.2.11** Personnel Actions

Performance evaluations, rate of pay, position reclassification, position terminations due to reduction in force and other similar matters.

### **3.2.12** President

The President of Tennessee Technological University.

### **3.2.13 University**

Tennessee Technological University.

### **3.2.15 University Personnel**

Refers to both individual employees of the University and to committees, councils and other duly constituted bodies of the University.

## **3.3 Applicability of Procedures**

**3.3.1** This Grievance and Complaint Policy applies to all university employees; all have access, when applicable, to the complaint and grievance procedures described herein.

**3.3.2** Employees are encouraged to utilize informal discussions to resolve any matters of concern. Such discussions should begin at the lowest level appropriate to the situation, and all parties should attempt to resolve each matter through this informal process prior to utilizing the formal complaint or grievance processes.

**3.3.3** When an employee has a complaint, he/she shall file the complaint with his/her immediate supervisor. If the nature of the complaint is such that this would be inappropriate, then the employee shall file the complaint with the next highest supervisor in the chain of responsibility.

**3.3.4** When an employee has a grievance, he or she should file the grievance with the President.

**3.3.5** This guideline does not apply to the pre-review process prior to a termination procedure initiated against a tenured faculty member under TBR Policy No. 5:02:03:00, Section III.P.4 or TTU Policy on Academic Freedom, Responsibility, and Tenure, Faculty Handbook, II.07, Section III.16.a.

**3.3.6** The grievance committee established pursuant to this policy shall be utilized when an employee requests an institutional hearing in the following situations:

**A.** Actions relating to the suspension of employees for cause or termination in violation of an employment contract which fall under TTU Policy on Academic Freedom, Responsibility, and Tenure, Faculty Handbook, Section II.07. Section III.16.b.1(suspension of tenured faculty pending termination for cause).

**B.** Actions involving harassment hearings requested pursuant to TBR Guideline P-080, Section III.B.2.

### **3.4 Responsibility for Implementation**

**3.4.1** The President provides the final decision, at the university level, when a grievance or complaint is involved.

**3.4.2** No employee shall retaliate or discriminate against another employee because of the latter employee's filing of a grievance or complaint, or discussing a matter of concern. In addition, no employee shall coerce another employee or interfere with the action of another employee in the latter employee's attempt to file a grievance or complaint or to discuss a matter of concern.

### **3.5 Grievance and Complaint Processes**

#### **3.5.1 Grievances**

**A.** Matters of concern which cannot be resolved through informal discussion and which can be categorized as grievances (as defined in Section 3.2.7 above) shall, upon request of the grievant, be referred to a grievance committee as set out in Section 3.6 below. The grievant has the option of choosing committee review when he or she has attempted to resolve the matter through informal discussions without success, or it is apparent that such an attempt would be futile.

**B.** Grievances which are processed through the grievance committee are appealable to the Chancellor only when they fall within the parameters set out in [TBR Policy No. 1:02:11:00](#) (Appeals and Appearances Before the Board). This generally includes all grievances defined in Human Resources Policies and Procedures, Section 3.2.7 except those when the grievant has filed a lawsuit or appeal with a state or federal administrative **body**.

#### **3.5.2 Complaints**

As part of the complaint process, the University is at a minimum, required to: 1) allow the employee to present facts and/or materials; 2) investigate the matter of concern; and 3) attempt to find a solution. The President or his or her designee shall make the final decision. Complaints do not include a right to any type of hearing, adversarial proceeding, nor the right to appeal to the Chancellor.

#### **3.5.3 Matters of Concern Which Are Not Grievances or Complaints**

An employee who has a matter of concern which has not become a grievance or complaint has the right to initiate informal discussions about said matter with individuals or university bodies for purposes of resolution of the matter; and the University has a responsibility to attempt to resolve the matter impartially, fairly and expeditiously; but such processes are considered informal and do not include

a right to any type of hearing or adversarial proceeding, or a right to appeal to the Chancellor.

### **3.6 Processes Applicable to Grievances Only**

**3.6.1** The grievance procedure normally starts with informal discussions of the matter of concern. If such discussions do not resolve the matter, or if it is apparent that such attempt would be futile, the grievant shall file a written grievance with the President who will refer it, within ten working days, to the University's Affirmative Action Officer (EEO/AA), Director of Human Resources or other appropriate university official of the President's choosing. This official becomes the hearing officer and is responsible for carrying out the grievance process appropriately.

**3.6.2** A grievance which is the subject of an action filed with an external body shall not be processed through the grievance procedure described herein. The term external body includes a court, or federal or state administrative body such as the Equal Employment Opportunity Commission, Office of Civil Rights or Tennessee Human Rights Commission.

**3.6.3** Grievances must be filed within 180 days after the date of the occurrence giving rise to the grievance. If the grievance arises from a repeated or continuing occurrence, the time limit is from the date of the last such occurrence. Any grievance not presented within the time limit is waived. Once a final determination is made, the employee may not present the same grievance again in an attempt to gain a more favorable decision.

**3.6.4** The grievance should be stated in reasonable and temperate terms and should contain, at a minimum, the following information:

- A.** The grievant's name and job title.
- B.** The department or office in which the grievant is employed.
- C.** Explanation of grievance.
- D.** Names of persons to whom the grievance has previously been presented and date on which the grievance was presented to each.
- E.** Corrective action desired.
- F.** Date the written grievance is filed.
- G.** Signature of the grievant.

**3.6.5** A written grievance may be returned to the grievant by the President and/or hearing officer for additional information or restatement in clearer terms.

**3.6.6** The hearing officer shall inform the grievant that he or she is entitled to be accompanied by an advisor at each step of the grievance procedure; however, the advisor may not act as an advocate but may act as an advisor only.

**3.6.7** The hearing officer is responsible for the coordination and administration of the grievance procedure.

**3.6.8** The hearing officer shall provide all parties to the grievance with a copy of this TTU Grievance and Complaint Policy, shall notify all parties that there will be a hearing and shall supply all parties with a copy of the grievance.

**3.6.9** The hearing officer, in consultation with members of the grievance committee, the grievant and all other parties involved, will set the date of the hearing. Service of notice of hearing, with a statement of the time and place of the hearing and with the specific grievance in writing, will be made by the hearing officer at least twenty working days prior to the hearing.

**3.6.10** The hearing committee may hold pre-hearing meetings with the parties in order to: (a) define and clarify the issues, (b) effect stipulations of facts, (c) provide for the exchange of documentary or other information, and (d) achieve other appropriate pre-hearing objectives as will make the hearing fair, effective, and expeditious.

**3.6.11** A verbatim, i.e., tape recorded, record of the hearing shall be taken and made available at cost to the grievant if such is requested; and a synopsis will be made available to the grievant without cost, at the grievant's request.

**3.6.12** The grievant shall be afforded an opportunity to obtain necessary witnesses and documentary or other evidence. The administration shall cooperate with the hearing committee in securing witnesses and making available documentary or other evidence. Efforts to pursue a grievance shall not unduly interfere with the normal work flow of the institution.

**3.6.13** Ordinarily the committee will hear witnesses separately; however, in cases when the committee is being used to hear a sexual harassment matter, the committee will provide the parties the right to confront and cross-examine witnesses. The committee should conduct an independent and thorough investigation. In order to do so, it will have the power to receive evidence from the grievant, gather evidence from other sources and call witnesses.

**3.6.14** The hearing committee shall not be bound by strict rules of legal evidence and may admit any evidence which is of probative value in determining the issues

involved. Every possible effort will be made to obtain the most reliable evidence available.

**3.6.15** The findings of fact and the decision shall be based solely on the hearing record.

**3.6.16** At the conclusion of the hearing, the committee shall notify the grievant and the President of its findings and recommendations. Both will be given a summary of the proceedings.

**3.6.17** If the grievant disagrees with the findings and recommendations of the hearing committee, he or she may submit written comments to the President within ten working days of receiving notification of the findings and recommendations.

**3.6.18** The President will make the final decision and recommendation(s). The President shall notify the grievant of his or her decision and recommendation(s) within twenty working days of being notified of the hearing committee's decisions.

### **3.7 Process Applicable to Complaints Only**

**3.7.1** An employee who has a complaint should state that complaint (orally or in writing) to his or her immediate supervisor or other appropriate person, as described in Human Resources Policies and Procedures, Section 3.3.3.

**3.7.2** The complaint must be resolved within ten working days. If the complaint cannot be resolved at the primary level to the satisfaction of complainant within ten working days of receiving an oral decision or written final response or the expiration of the initial ten-day period (whichever occurs first), then the complainant may submit the complaint (orally or in writing) to the next individual in the administrative or managerial chain.

**3.7.3** Should a satisfactory resolution of the complaint not occur at this level within ten working days, the complainant may refer the complaint to the Vice-President for Academic Affairs or the appropriate administrator reporting to the President (for non-academic considerations). This referral must be made within ten working days of receiving an oral or written response or the expiration of the ten-day period, whichever occurs first.

**3.7.4** Should a satisfactory resolution of the complaint not occur at this level within ten working days, the complainant may refer the complaint in writing to the President. This referral shall be made within ten working days of receiving an oral or written response or the expiration of the ten-day period, whichever occurs first. The President shall respond to the complainant about the complaint within twenty working days of receiving the complaint.

### **3.8 Grievance Committee**

**3.8.1** For each grievance the President shall select, from among either the faculty or non-faculty pool of committee members, five members who will make up the grievance committee for that grievance. The pool from which the President selects is determined by the status of the grievant, i.e., faculty or non-faculty. Members deeming themselves disqualified by reason of bias shall recuse themselves. The hearing officer shall decide whether to remove any member who is challenged by the grievant. Any vacancy created by recusal shall be filled by another appropriate pool member selected by the President.

**3.8.2** If, due to recusals and/or the lack of ethnic minorities or women in the pool, there is not an adequate pool of committee members from which the President is to select the hearing committee of five, the President may request either the Faculty Senate President or the Director, Human Resources (dependent upon whether the grievant is faculty or non-faculty, respectively) to add additional persons to the pool. The advice and consent of the Senate is required before the President of the Faculty Senate adds any additional persons to the faculty pool. The advice and consent of the Staff Advisory Committee is required before the Director, Human Resources adds any additional persons to the non-faculty pool.

**3.8.3** The faculty pool shall be constituted as follows:

**A.** The pool shall be composed of two representatives from the College of Arts and Sciences (one from the Humanities and Social Sciences and one from the Natural and Mathematical Sciences), one representative from each of the University's other five colleges and schools (faculty members in the Library and the School of Nursing shall select one representative from their combined membership), and five at-large members. All members of the pool shall be tenured members of the faculty. No officer of the Administration shall be a member of the pool. The members of the pool will serve three-year staggered terms.

**B.** Pool members from the various colleges and schools shall be elected during spring semester by secret ballot (unless a candidate is unopposed). Elected pool members may also be, but are not required to be, members of the Faculty Senate. The term of office of these pool members starts at the beginning of the fall semester following their election. At-large pool members shall be appointed by the President of the Faculty Senate from among the members of the Faculty Senate, with the advice and consent of the Senate, at the first Senate meeting of the fall semester.

**C.** If an at-large pool member's term of office as a Senator ends prior to his or her term as a pool member, the Faculty Senate President shall appoint another Senate member to complete that person's term in the pool.

**3.8.4** The non-faculty pool shall be constituted as follows:

**A.** The pool shall be composed of three members from each non-faculty equal-employment-opportunity (EEO) group; i.e., executive, administrative and managerial; professional non-faculty; clerical and secretarial; technical and paraprofessional; skilled crafts; and service and maintenance. The three members of each EEO group shall serve three-year staggered terms.

**B.** Pool members shall be appointed by the Director, Human Resources, with the advice and consent of the Staff Advisory Committee. The pool shall not include any employees who are in probationary status.

**3.8.5** Any person who is a member of a body that is regularly involved in the informal discussion of matters of concern, such as the faculty affairs committee, cannot become a pool member because of potential bias on his/her part.

**3.8.6** The hearing officer shall serve as the chairperson of the grievance committee.

**3.8.7** A grievance committee is to conduct an independent and thorough investigation. It has the power to receive evidence from the grievant, gather evidence from other sources and call witnesses.

**3.8.8** A grievance committee shall seek all relevant facts. The committee may allow all witnesses to be present at one time or, in the alternative, may hear each witness, including the grievant, separately. In any event, the grievant shall be allowed to present any pertinent evidence to the committee and to have the committee call those witnesses who have testimony pertinent to the decision.

**3.8.9** The committee shall make a written report of its recommendation and reasons to the President and the grievant. The President may adopt the Committee's recommendation, in whole or in part, or may make his or her decision independent of the committee's findings.

**3.8.10** The grievant shall be provided a copy of the President's decision.

### **3.9 Maintenance of Records**

**3.9.1** Copies of written grievances, complaints and accompanying responses and documentation shall be maintained by the Human Resources Office.

**3.9.2** Copies of grievances and complaints, and accompanying responses and documentation should be maintained for at least seven years.

# Nepotism

## 5.1 General Policy

It is the policy of Tennessee Technological University to seek as employees the best qualified persons regardless of their relation to other University employees. Close relatives may be employed in the same or different departments of the University. However, no University employees, including student workers and temporary employees, who are relatives shall be placed within the same direct line of supervision whereby one relative is responsible for supervising the job performance or work activities of another relative. Nor shall close relatives be involved in institutional decisions involving a direct benefit to either person. Such decisions include, but shall not be limited to, initial hiring, retention, promotion, salary adjustments, leaves of absence and termination.

An administrator shall not make employment decisions and/or recommendations which impact a relative individually; however, the policy does not prohibit an administrator who does not otherwise violate the nepotism policy, from making recommendations that pertain to all faculty and/or staff members at an institution while he/she has a relative who is a faculty or staff member.

The nepotism policy shall not be used or considered in the granting of tenure.

## 5.2 Definition of Close Relatives

Close relatives, for purposes of this policy, are defined as: parent, foster parent, parent-in-law, child, spouse, brother, foster brother, sister, foster sister, grandparent, grandchild, son-in-law, sister-in-law, brother-in-law, daughter-in-law or other family member who resides in the same household.

## 5.3 Marriage

When, as a result of marriage, employees are in violation of this policy, such violation shall be resolved by means of a transfer or resignation as may be necessary. The affected employees shall be advised by the President, or his designee, on each of the alternatives available. The employees shall be given the opportunity to select among such available alternatives. If the employees are unable to agree upon any such alternative within sixty (60) days, then the President shall take appropriate action to remove such violation.

## 5.4 Remedies

The institution may remedy any violation of this policy by voluntary transfer, or if an agreement cannot be reached, by involuntary transfer, from a unit or position, or by termination when appropriate.

## **5.5 Effective Date**

This policy does not affect relatives employed prior to July 1, 1980.

# Employment Eligibility Verification

## 6.1 Introduction

It is the intent of Tennessee Technological University to comply with the Immigration Reform and Control Act of 1986. This legislation requires employers to verify new employees' eligibility for employment in the United States and to hire only U. S. citizens and aliens who are lawfully authorized to work in the U.S. Tennessee Technological University, therefore, will hire only United States citizens and aliens lawfully authorized to work in the United States.

## 6.2 Applicability

This legislation applies to all individuals, including students, employed on June 1, 1987, and later. The legislation applies retroactively to employees hired after November 6, 1986, and remaining on the payroll as of June 1, 1987. Employed individuals are those who receive a paycheck or other non-cash remuneration from the University including full-time or part-time regular and temporary employees and students. Regular employees who take unpaid leaves of absences or who are on temporary lay-offs are not required to complete the employment eligibility verification process before returning to work status when there is a reasonable expectation of continued employment. Individuals who completed this process at the time of hiring and who are rehired within three years of the initial hire date are exempt from this process at the time of rehire. Independent contractors are not subject to the requirements of this legislation. Contracts, however, shall not be used to circumvent these requirements. Each contract will be examined to determine whether it satisfies criteria for a legitimate, independent contract.

## 6.3 Procedure

All academic and administrative officers, deans, directors and departmental chairpersons are responsible for ensuring that new employees and students hired through their offices comply with this procedure. Departments must complete personnel action forms for new appointments (See Human Resources Policies and Procedures, Sections 4.6, 8.1 and 9.1) and forward the forms promptly for appropriate approvals to comply with the time requirements of this procedure. All employees hired on June 1, 1987, or later must complete an I-9 form, Employment Eligibility Verification ([Exhibit P/P-32](#)), within three (3) working days of the hiring date. If the individual is employed for less than three days, the I-9 form must be completed by the end of the first working day. The beginning of the academic year serves as the first working day for faculty with a contract date of August 1. The first day of classes serves as the first working day for adjunct faculty, graduate assistants, and graduate instructors.

New employees, graduate assistants, and graduate instructors must complete the I-9 form at the Human Resources Office. All students working as of June 1, 1987, and later must complete the I-9 form at the Student Financial Aid Office. When completing the I-9 form, the individual must provide documents evidencing eligibility for employment in the

United States. The Immigration Reform and Control Act specifies documents acceptable for this purpose. Upon completion of the I-9 form by employees, an I-9 card ([Exhibit P/P-32](#)) will be issued by the Human Resources Office. The Student Financial Aid Office will issue I-9 cards to students. The I-9 card is valid for three (3) years from the indicated date of issue.

#### **6.4 Off-Campus Personnel**

The Director of Continuing Education is responsible for completion of the I-9 forms by off-campus personnel employed through that office. The Director of the J. L. Evins Appalachian Center for Crafts is responsible for completion of the I-9 forms by employees at the Craft Center. Upon receipt of the completed I-9 forms with copies of the necessary identification and employment eligibility documents, the Human Resources Office will provide I-9 cards to these offices for issuance to the individual employees. Completed I-9 forms will be retained in the Human Resources Office.

#### **6.5 Maintenance of Records**

The Human Resources Office maintains I-9 forms completed by employees and students for at least three (3) years after the hiring date. I-9 forms are maintained for one (1) year after termination of employment for persons employed more than three years. All records are subject to audit by officers of the Immigration and Naturalization Service, the Department of Labor, the State Comptroller of the Treasury and the University Internal Auditor.

#### **6.6 Violations of Law**

University departments are responsible for ensuring that new employees and students hired through their offices comply with the employment eligibility verification procedure. Individuals who do not complete the I-9 forms within the required time are not permitted to continue working and their paychecks will not be released until the forms are completed. Noncompliance with the employment eligibility verification procedure is a violation of Federal law. The penalty assessed an employer for failing to complete I-9 forms within the required time is a fine of not less than \$100.00 or more than \$1,000.00 for each violation. Individuals who continue to flagrantly violate this law can be criminally prosecuted. Penalties for knowingly hiring illegal aliens are as follows:

First Offense - A fine of not less than \$250.00 and not more than \$2,000.00 for each unauthorized employee.

Second Offense - A fine of not less than \$2,000.00 and not more than \$5,000.00 for each unauthorized employee.

Subsequent Violations - A fine of not less than \$3,000.00 and not more than \$10,000.00 for each unauthorized employee.

Persons who use fraudulent identification or employment eligibility documents or documents lawfully issued to another person or otherwise falsify employment eligibility requirements may be imprisoned for up to five (5) years, fined or both.

# **Appointment of Full-time and Part-time Temporary Administrative, Clerical and Supporting Personnel and Faculty**

## **7.1 Positions Covered by Appointment Procedures**

The following procedures apply to all temporary full-time and part-time positions. Student employment is specifically not covered by these procedures.

### **7.1.1 Advance Approval to Fill Temporary Positions**

Approval to fill a temporary position shall be obtained through the appropriate administrative channels. Requests for approval shall be initiated in the administrative unit where the vacancy exists. Administrative and clerical and supporting positions must be correctly classified with approved Tennessee Board of Regents and TTU titles. Assistance with classifications may be obtained from the Personnel Management Salary Analyst. Clerical and support positions must be paid at the beginning hourly rate appropriate to the classified positions' skill levels. Administrative positions must be paid consistent with the administrative pay plan.

## **7.2 Appointment Procedures**

The supervisor of the temporary position shall, with approval from the appropriate administrative channels, forward an appointing personnel action form promptly to the Director, Human Resources. Appointments for part-time faculty will be forwarded to the Vice President for Academic Affairs for approval. Temporary personnel are not to begin work until the personnel action form is approved by the final approving authority and the employee has signed the appropriate appointment letter. Temporary employees must work less than six (6) continuous months. Temporary employees may work up to 28 hours a week without additional authorization. For temporary employees who you wish to have work more than 28 hours a week, a request explaining why should be submitted to the Director, Human Resources. Exceptions will be possible, but should be reserved for temporary replacements of full-time personnel or documented unique situations. Subsequent temporary appointments for the same individual will be limited to 18 hours a week.

### **7.2.1 Employment Eligibility Verification**

All temporary employees hired on June 1, 1987, or later must complete the employment eligibility verification (I-9) form within three (3) working days of the hiring date. If the individual is employed for less than three (3) days, the form must be completed by the end of the first working day. Individuals who do not complete an I-9 form within the required time are not permitted to continue

working and their paychecks will not be released until the forms are completed. See Human Resources Policies and Procedures, Section 6 for regulations and procedures for employment eligibility verification.

### **7.2.2 Faculty Proficiency in Oral English**

Effective January 1, 1985, all candidates for faculty positions must be evaluated on their ability to communicate effectively in the English language. When appointing new temporary faculty, the originating department must certify that the individual can communicate effectively in the English language by including such statement on the appointing personnel action form.

### **7.2.3 Hiring Current Employees of Other State Agencies**

No payment shall be made by Tennessee Technological University directly to an employee of another state agency for services of any nature. Any payment or transfer of funds for such services shall be between the institution and the state agency. Contact the Tennessee Technological University Purchasing Office to obtain a Dual Services Agreement.

### **7.2.4 Hiring Current Employees of Other Tennessee Board of Regents Institutions or of a University of Tennessee Institution**

When the agreement is between institutions in the Tennessee Board of Regents system or with a University of Tennessee institution, the agreement may take one of two forms. The contract may be either:

- A.** Between the employee involved and the other institution pursuant to the provisions in Section 1 below; or
- B.** Between the two institutions involved, pursuant to the provisions in Sections 1 and 2 below.

1. Contracts between Tennessee Board of Regents institutions and an employee of another state institution of higher education are permitted in the following situations:

- a.** payment will not exceed \$1,500 in any one school quarter or semester for any one employee; or
- b.** where the services to be performed involve teaching or instruction by an employee not in excess of one course per quarter or semester. The contract may be between the employee and the institution or between institutions. If payment is made directly to the employee, the employee

shall be treated as a temporary part-time employee of the procuring institution.

2. When an agreement is made directly between the employee and the institution as covered in Section 1 above, the employee must obtain the written approval of his/her supervisor and the Dean or Director and the procuring institution must provide written notice of the agreement to the employer institution. A copy of the agreement must be forwarded to the Human Resources Office.
3. Any payment made to any faculty or administrative employee of an institution by another institution should be treated as, and counted toward the maximum of, extra compensation for such employee as described in the Outside Employment and Extra Compensation Policy (See Human Resources Policies and Procedures, Section 18).
4. Any compensation paid shall not exceed the rate the procuring institution or agency normally pays for such services.
5. Conflicts of interest must be avoided.

### **7.3. Pay Schedule**

Temporary hourly full-time and part-time personnel are paid on the 10th of each month. Time is to be submitted on the red sheet on the first working day of each month (See Human Resources, [Exhibit P/P-36](#)). Payroll checks are distributed by the Human Resources Office. Temporary part-time faculty are paid on the 15th of the month and their payroll checks are distributed through the departments. Temporary salaried administrators are paid at the end of the month. Temporary employees hired on or after July 1, 1992 whose probable length of employment is 120 days or greater and who are paid other than on the 10th of the month are required to participate in direct deposit. Payroll checks should be given to employees directly and should not be placed in office mail boxes or sent through campus mail.

# Appointment of Graduate Instructors

## 8.1 Appointment Procedure

All appointments of graduate instructors are made through the Dean of the Graduate School, in accordance with established procedures in that office. These procedures include the completion of a GS-18 form, Application for Graduate Assistantship or Instructorship (See [Exhibit P/P-10](#)) and completion of the Personnel Action Form. Graduate instructors should come by the Human Resources office to sign their appointment letter prior to beginning work. Graduate instructors must complete an I-9 form, Employment Eligibility Verification, at the Human Resources Office within three (3) working days of the initial hiring date. The I-9 form is valid for three (3) years from the initial hiring date. (See [Human Resources Policies Procedures, Section 6.](#))

## 8.2 Employment Status

Graduate instructors are considered students and are not eligible for employee benefits. Withholding tax is the only deduction made from a graduate instructor's check. Graduate instructors must complete a W-4 form (Employee's Withholding Exemption Certificate) which is available in the Personnel/ Payroll Office. Graduate instructors enrolled less than half- time are also subject to social security and medicare tax.

## 8.3 Pay Schedule

### 8.3.1 Supported with University Funds

Remuneration to graduate instructors will be made in ten (10) installments for service during the academic year according to the following schedule: Fall semester - last working day of August, September, October, November and December. Spring semester - last working day of January, February, March, April and May.

### 8.3.2 Supported with External Funds

Graduate instructors supported with external funds are paid according to the schedule specified in the grant and/or approved by the Dean of the Graduate School. An approved copy of the Personnel Action Form should accompany and be stapled to the original requisition on external accounts. The requisition should be for the total amount of funds obligated.

### 8.3.3 Unclaimed Payroll Checks

Departments must return any unclaimed payroll checks to the TTU Business Office within two (2) weeks after issue of the checks.

#### **8.4 Termination of Instructorship**

Should an instructorship be terminated for any reason before the end of the term of appointment, a Personnel Action Form should be completed as per the instructions for Separation accompanying the Personnel Action Form.

# Appointment of Graduate Assistants

## 9.1 Appointment Procedure

All appointments of graduate assistants are made through the Dean of the Graduate School, in accordance with established procedures in that office. These procedures include the completion of a GS-18 form, Application for Graduate Assistantship or Instructorship ([See Exhibit P/P-10](#)) and completion of the Personnel Action Form. Graduate assistants should come by the Human Resources Office to sign their appointment letter prior to beginning work. Graduate assistants must complete an I-9 form, Employment Eligibility Verification, at the Human Resources Office within three working days of the initial hiring date. The I-9 form is valid for three years from the initial hiring date. (See [Human Resources Policies and Procedures, Section 6.](#))

## 9.2 Employment Status

Graduate assistants are considered students and are not eligible for employee benefits. Withholding tax is the only deduction made from a graduate assistant's check. Graduate assistants must complete a W-4 form (Employee's Withholding Exemption Certificate) which is available in the Human Resources Office. Graduate assistants enrolled less than one-half time are also subject to social security and medicare tax.

## 9.3 Workload

Full-time graduate assistants will work:

- A. Six (6) contact hours per week in classroom or laboratory instruction;
- B. Eight (8) contact hours per week in laboratory supervision;
- C. Twenty (20) clock hours per week in supervised activities in the department of their employment; or
- D. A combination of the above.

## 9.4 Pay Schedule

### 9.4.1 Supported with University Funds

Graduate assistants receive five checks per semester which are distributed as follows:

Fall semester - last working day of August, September, October, November and December.

Spring semester - last working day of January, February, March, April, and May.

#### **9.4.2 Supported with External Funds**

Graduate assistants supported with external funds are paid according to the schedule specified in the grant and/or approved by the Dean of the Graduate School. An approved copy of the Personnel Action Form should accompany and be stapled to the original requisition on external accounts. The requisition should be for the total amount of funds obligated.

#### **9.4.3 Unclaimed Payroll Checks**

Departments must return any unclaimed payroll checks to the TTU Business Office within two (2) weeks after issue of the checks.

### **9.5 Termination of Assistantship**

Should an assistantship be terminated for any reason before the end of the term of appointment, a Personnel Action Form should be completed as per the instructions for Separation accompanying the Personnel Action Form.

# Probationary Period

## 10.1 Purpose and Scope

All full-time and part-time regular clerical and support or administrative employees are subject to an initial probationary period upon being hired by the University. This is time during which an employee may evaluate his/her position and a time for the supervisor to evaluate an employee's performance.

### 10.1.1 Probationary Period for Transfers, Promotions and Demotions

A probationary period applies to an individual not only as a new employee, but also as he/she may be promoted, transferred or demoted to another job. A new probationary period begins on the effective date of the promotion, transfer or demotion.

### 10.1.2 Duration

The probationary period shall consist of 6 months of observable job performance. If leave exceeding 10 working days is taken during the 6 month period, the probationary period shall be extended by a corresponding number of days.

### 10.1.3 Performance Review

A performance review must occur by the end of the 6 month probationary period and should be completed approximately one month before the end of the probationary period. A performance evaluation form must be completed and signed by the employee and the supervisor, and directed through the appropriate Administrative offices to the Human Resources Office (See Exhibits [P/P-11](#) and [P/P-12](#)). In the case of unsatisfactory evaluations, the employee should be terminated. The performance evaluation form will become a permanent part of the employee's personnel file.

### 10.1.4 Dismissal During Initial Probationary Period

At any time during an initial probationary period, an employee may be terminated without cause or right of appeal but the reasons for dismissal shall be submitted in writing to the President and be subject to the President's approval. No regular employee shall be terminated by the University without prior approval of the President. (See [Human Resources Policies and Procedures, Section 21.2](#)).

### 10.1.5 Unsatisfactory Subsequent Probationary Periods

Should an individual who is serving a probationary period due to a transfer, promotion or demotion, be unsuited for the position, efforts will be made to place the individual in a position better suited to his/her abilities. However, the

University retains the right to terminate the employee. Such termination may be appealed by the employee through the University's Grievance and Complaint Policy. (See [Human Resources Policies and Procedures, Section 3](#)).

# Clerical and Support Classification Compensation Plan

## 11.1 Under Construction

*TTU is conducting a compensation study of all Clerical, Support, Administrative, and Professional positions. Policy will be updated upon completion of study and approval by TBR.*

## Transfer

### 12.1 Under Construction

*TTU is conducting a compensation study of all Clerical, Support, Administrative, and Professional positions. Policy will be updated upon completion of study and approval by TBR.*

## Promotion

### 13.1 Under Construction

*TTU is conducting a compensation study of all Clerical, Support, Administrative, and Professional positions. Policy will be updated upon completion of study and approval by TBR.*

## Demotion

### 14.1 Under Construction

*TTU is conducting a compensation study of all Clerical, Support, Administrative, and Professional positions. Policy will be updated upon completion of study and approval by TBR.*

# Performance Evaluation

## 15.1 General Information

Performance evaluations for all non-faculty personnel normally occur once each year in the spring during the budget process and also approximately one month before the end of a probationary period. (See [Human Resources Policies and Procedures, Section 10.1.3](#))

## 15.2 The Performance Evaluation Form

The Performance Evaluation Form is used to measure an individual's past performance in a particular position and to promote methods of improving performance in the future. There are two evaluation forms. One form (See [Exhibit P/P-11](#)) is to be used for administrative positions. The other form (See [Exhibit P/P-12](#)) is to be used for clerical and supporting positions.

## 15.3 Completion of the Evaluation Form

**15.3.1** Completion of the Performance Evaluation Form should be done by the employee's immediate supervisor and should be based upon firsthand knowledge of the employee's performance. Before completing the evaluation form, there are several factors the evaluator should consider:

- A. He/she should summarize what the expectations of the position are and how a particular individual has met or has not met these expectations in the past.
- B. He/she should review the environment to see if an atmosphere has existed which facilitates the employee's ability to meet the expected level of performance. If necessary, future objectives should be established to improve the working environment.
- C. He/she should establish objectives for the employee to accomplish in the future to improve his/her performance.

### 15.3.2 Required Signatures on Performance Evaluation Form

After completion of the form and discussion with the employee, this form must be signed by the employee and evaluator. If the evaluator is not the individual who has the responsibility for establishing a recommended salary, the form must also be reviewed and signed by the appropriate administrative or academic personnel. The forms should then be submitted to the appropriate academic or administrative office. Evaluation forms completed for a probationary period should be submitted to the Human Resources office for inclusion in the employee's personnel file.

# Overtime and Compensatory Time

## 16.1 Applicability

This policy applies to all regular and temporary clerical and supporting personnel employed by the University. These individuals are classified as object code 13 in the Personnel Budget and are individuals who are subject to the payment of overtime under the Fair Labor Standards Act.

### 16.1.1 Agricultural Employees

Any person employed by the Tennessee Technological University as an agricultural employee is exempt from the payment of overtime.

## 16.2 Overtime Rate

Straight time will be paid for hours worked in excess of 37.5 per week up to 40. Overtime at time-and-one-half will be paid for hours worked in excess of 40 per week. Where compensatory time is not a feasible alternative, overtime will be paid. The hourly rate for monthly personnel is the monthly salary divided by 162.50 (average working hours per month).

## 16.3 Normal University Workweek

The workweek begins at 12:01 a.m. on Monday morning and ends at 12:00 midnight the following Sunday.

## 16.4 Hours to be Counted in Computing Overtime Pay

Only hours actually worked and holidays are to be counted in computing overtime pay. Hours paid for under any leave policy, including but not limited to sick leave, annual leave, civil leave or military leave, are not to be included in determining the total hours actually worked for the purpose of computing overtime.

## 16.5 Authorization for Overtime

No overtime may be worked and compensated for unless it has been authorized in advance by the employee's supervisor.

## 16.6 Submission of Overtime

Overtime hours worked are to be submitted on the leave and extra time report due in the Human Resources Office the 10th of each month. (See [Employee Benefits, Section 11.2](#)).

## **16.7 Compensatory Time**

Compensatory time may be granted to clerical and supporting employees in lieu of the payment of straight time and overtime. Compensatory time should be utilized in preference to overtime payment. Compensatory time for any hours worked in excess of regular workweek schedule will be granted at a straight rate of one hour for every additional hour worked if taken during the same workweek, or at time and one-half if taken beyond the workweek but within the same payperiod.

Compensatory time must be used in the payperiod in which it is earned. It cannot be carried forward. Departmental requests for exceptions to this may be made in writing for approval by the appropriate Vice President.

### **A. Use of Compensatory Time**

Compensatory time is not transferable to any type of leave, nor is it transferable to another academic or administrative unit. Compensatory time may not be used as terminal leave.

### **B. No Compensatory Time for Administrative Employees**

Administrative employees (object code 11) are expected to work whatever additional hours are necessary to accomplish their job without receiving compensatory time for such extra work.

## **16.8 Maintenance of Records**

Complete records of overtime and compensatory time including dates, amount of time worked and the schedule of compensatory time taken must be maintained in each academic and administrative unit. All such records should be available for audit by the University's Internal Auditor, personnel in the Human Resources Office, responsible Academic and Administrative Officers as well as the State Comptroller of the Treasury.

# Summer Pay

## 17.1 Summer Pay

### 17.1.1 Definition of Summer Pay

Summer pay is that amount paid to nine month personnel for all types of services (including teaching and research) rendered during the summer intercessions and summer school sessions outside of the academic year. This period is defined as nine months preceding spring commencement.

### 17.1.2 Maximum Payments for Summer Pay

For summer school and summer intercession teaching, regular academic year faculty may be paid up to 1/4 of the academic year salary for the preceding academic year. For all outside funded research and other sponsored programs in summer, regular academic year faculty may be paid up to 1/3 of the academic year salary for the preceding academic year. Total summer payments for a combination of teaching and other work may not exceed 1/3 of the preceding academic year salary. When working toward these total summer pay limits, there is no monthly limit on the number of hours that can be worked; however, the number of hours per week that can be worked is limited to 52.5.

### 17.1.3 Rate of Compensation

Compensation shall be according to the following categories:

**A. Category I:** Regular academic year faculty personnel who serve the institution as teaching faculty during intersessions and summer sessions.

Faculty in this category shall be compensated at the rate of 1/32 of their academic year salary per semester hour of teaching load. The maximum summer and intersession pay may not exceed 25 percent of the preceding academic year salary; however, except as needs are determined by the institution, a faculty member may teach and be compensated for nine semester hours for the summer term, with appropriate documentation of need maintained at the institution.

**B. Category II:** Regular academic year faculty who serve under sponsored contracts for research and other professional services between academic years.

Compensation for personnel in this category shall not exceed the rate equivalent to one-ninth per month of the preceding academic year salary. If the faculty member works on a part-time basis on a sponsored contract project, the pay should be adjusted accordingly. The hourly rate as

calculated in this manner should be applied to the actual hours worked which are limited only by the weekly hourly limit of 52.5 (no monthly hourly limit) and the maximum payments set forth in Section 17.1.2 of this policy.

**C. Category III: Division/Department Heads on an academic year appointment.**

Level of compensation for these administrators should be commensurate with the duties assigned. For a full-time assignment, the rate of pay shall not exceed 25 percent of the preceding academic year salary

**D. Category IV: Part-time faculty.**

Level of compensation for faculty in this category should follow the Extra Compensation Schedule for Credit Instruction as approved by the Tennessee Board of Regents. The amounts specified for extra compensation of full-time faculty will serve as guidelines for part-time faculty. Presidents may make exceptions to these guidelines when appropriate. All exceptions will be documented at the campus and suitable personnel records retained.

#### **17.1.4 Recordkeeping**

The use of standardized forms is required to assist in recordkeeping and monitoring of summer pay for individuals on academic appointments (See [Exhibit P/P-19](#)). A permanent record will be kept by the Payroll Records Supervisor in the Human Resources Office for each employee who receives summer pay.

### **17.2 Processing of Requests for Summer Pay**

#### **17.2.1 Written Requests**

Written requests for summer pay should be submitted by the department through the office of the appropriate Dean or Administrative Officer, and received by the Payroll Records Clerk in the Human Resources Office, no later than the fifth of the month following the month in which the work was performed. In the event requests are prepared for employees of another college or division, these requests must be forwarded to the department of the employee and submitted by the college or division in which the employee is based. A copy of the appropriate approved authorization form should be attached (See Exhibit P/P-20 or [P/P-22](#)).

#### **17.2.2 Information to be Included in Written Requests**

- 1. A completed time sheet (See [Exhibit P/P-19](#)).**

The following information must be included for each individual requesting summer pay.

- a.** The name of the individual.
- b.** The rank of the individual.
- c.** The name of the department in which the individual is based.
- d.** The fiscal year.
- e.** The date of the weeks in which the work is performed. (The workweek begins at 12:01 a.m. on Monday morning and ends at 12 midnight the following Sunday.)
- f.** Project number which is the account number from which the individual is being paid.
- g.** Hours worked during each week for each account number.
- h.** Total project hours for summer pay for each week.
- i.** Number of regularly assigned hours for teaching and administration for each week. This amount is equal to 0 outside of the academic year for employees on nine-month appointments who are not involved in administration or credit teaching during the summer. This amount always equals 37.5 for employees on full-time, twelve-month appointments. For purposes of determining total clock hours worked, one contact (classroom) hour equals 2.5 clock hours.
- j.** Number of hours worked each week (the number of summer pay hours for each week plus the number of regularly assigned hours for each week.) This amount must not exceed 52.5 hours. (See Human Resources Policies and Procedures, Sections 17.1.2 and 17.1.3).
- k.** Overload time hours for each week which is the number of hours worked each week minus 37.5. If the result is negative, overload is 0.
- l.** Grand total of summer pay hours performed for the period.
- m.** Grand total of overload time.
- n.** Signature of employee.

**2.** A completed requisition ([Exhibit P/P-23](#)). The following information must be included on the requisition.

- a.** The signature of requisitioner.
- b.** The signature of Chairperson or Supervisor, if different from requisitioner.
- c.** The signature of the Dean or designee in the college or division in which the account is located. See Human Resources Policies and Procedures, Section 17.2.1 if the requisition is prepared for an employee in another college or division.
- d.** The signature of the Grant Accountant when applicable.
- e.** The name(s) of the individual(s) to be paid on the requisition.
- f.** The social security number of each individual.
- g.** The present hourly salary rate of each individual.
- h.** The hourly rate for summer pay of each individual, if different from (g).
- i.** Total number of hours worked for each individual.
- j.** Total amount of summer pay for each individual.
- k.** Total amount of requisition.

## Outside Employment and Extra Compensation

### 18.1 General Policy

Full-time employment with Tennessee Technological University demands an individual's full-time professional expertise, commitment and energies, and the assigned teaching load of a faculty member constitutes a full-time assignment. However, the University recognizes the value to its students, its personnel and to the citizens of Tennessee arising from outside consulting and other professional experiences in which members of the faculty and staff may engage. Such activities contribute to the quality of instruction, enhance the competency of the individual, contribute to the economic development of the state and bring credit to the institution. These activities also create valuable links between the institution and the community.

The University also recognizes that, under certain conditions, employees may need to perform additional assignments for which extra compensation may be warranted and sets forth the following general provisions to cover the circumstances and limitations under which outside and/or extra compensation may be appropriate.

### 18.2 Scope of Policy

As defined herein, this policy does not apply (a) to normal, short-term professional activities such as participation in symposia, seminars, professional committees, accreditation visits, speaking engagements, exhibitions or recitals, even though honoraria may be received for such participation; (b) when the individual is not within the term of his or her contract period, or is on leave; (c) to avocational activities which are intermittent and culturally and/or academically oriented (e.g., photography, poetry, painting, sculpting, acting, collecting, literary criticism, gourmet cooking, gardening, performing as a musician, etc.); (d) to salaries paid to academic-year faculty for teaching in inter-session and summer sessions which are not considered extra compensation and are addressed in Human Resources Policies and Procedures, Section 17, Summer Pay; or (e) to personnel classified as non-exempt wage and hour employees.

Senior level administrative employees (including but not limited to the President, Provost, Academic Deans, Vice Presidents, and Associate Vice Presidents) are not eligible to receive extra compensation for activities performed within the University. They may, however, be expected to perform activities such as teaching, advising, attendance at campus functions, etc. as part of their normal job responsibilities without additional compensation. Each Vice President may identify other positions reporting to

him/her that will not be eligible for extra compensation. Exceptions to this list may be granted by the President.

### **18.3 Provisions of Policy**

**18.3.1** Prior to engaging in outside employment or accepting an extra assignment, the faculty or staff member shall notify appropriate supervisors of the nature of the employment and the expected commitment of time.

**18.3.2** Outside and/or extra assignments must be performed entirely outside of and in addition to normal work assignments and responsibilities and must not interfere with assigned duties or with regular institutional operations.

**EXAMPLE:** A faculty member requests a salary supplement to direct a grant for which she/he receives release time. Does the policy apply? No, this policy applies only to work completed "in addition to" the individual's full-time job responsibilities.

**EXAMPLE:** An administrator agrees to teach a credit course for extra pay during his/her normal work hours. The supervisor agrees to revise his/her regular schedule to include evening office hours that make up the time lost to teaching. Is this permissible? Yes, if the supervisor approves.

**EXAMPLE:** An advisor requests permission to teach a credit course for extra pay in the late morning, making up work hours missed by working Saturdays. Is this permissible? Probably not, since students request advisement during the week, rather than on weekends, this would disrupt the delivery of services.

**18.3.3** Outside and/or extra assignments must be consistent with TBR policies and guidelines and with State law. TCA 49-5-410 limits full-time faculty members to teaching no more than two credit courses per semester and to no more than fifteen clock hours per week or four hundred clock hours per nine-month period for extra pay at an institution of higher education. Notice that there are no money limits for faculty or administrators who are teaching or conducting research for extra pay. Staff and administrators teaching courses for extra pay will be held to the same limits as faculty, no more than two credit courses per semester and no more than fifteen clock hours per week or four hundred clock hours per nine-month period.

**EXAMPLE:** A faculty member is asked to teach three sections of a course for extra pay for one semester after a colleague is suddenly forced

to take medical leave. Can this exception be approved? No, this regulation is in statute and does not provide for exception.

**18.3.4** Outside and/or extra assignments must not constitute a conflict of interest or compete with the institution's education, research or public service programs.

**EXAMPLE:** A faculty member requests permission to teach a credit course at a private college located near his TBR institution. Is the permissible? The President or Director must determine whether or not this creates conflict of interest for the institution.

**18.3.5** Outside and/or extra assignments must require only a reasonable time commitment and must not be undertaken with an inappropriate claim that the individual is officially representing the institution in connection with outside **employment.**

**EXAMPLE:** An accounting faculty member requests permission to start a small accounting business, with all work being completed on weekends. Is this permissible? Generally, yes, although the President or Director must determine what is "reasonable".

**EXAMPLE:** An accounting professor solicits clients for his weekend accounting business using his university business cards. Is this appropriate? No, this would lead prospective customers to believe that the accounting business is under the auspices of the university.

**18.3.6** If the employment involves other agencies, departments or institutions of State government, it is subject to prior approval of the President, Director or appropriate representative of the other agency, department or institution. Services rendered by a TBR employee to another state agency or institution of higher education will be paid by the contracting agency to the institution pursuant to [TBR Guideline G-030](#), General Instructions on Contracts and Agreements.

## **18.4**

The minimum rates per credit hour of instruction, per [TBR Guideline P-055](#), Faculty Compensation for Teaching Credit Courses as an Overload, shown below shall apply when calculating compensation for full-time faculty or staff teaching credit courses at colleges or universities in excess of the normal load. Presidents or their designees may approve exceptions to these rates when circumstances warrant. The teaching load credits and extra compensation figures below are shown as examples.

Rank	Minimum Rate	Teaching Load Credits	Extra Compensation
Professor	\$700	3 hr + 4 hr course	\$4,900
Associate Professor	\$650	3 hr + 4 hr course	\$4,550
Assistant Professor	\$600	3 hr + 4 hr course	\$4,200
Instructor	\$550	3 hr + 4 hr course	\$3,850

# Employment Classification

## 19.1 Under Construction

*TTU is conducting a compensation study of all Clerical, Support, Administrative, and Professional positions. Policy will be updated upon completion of study and approval by TBR.*

# Political Participation

## 20.1 General Policy

It is the policy of the University to encourage all full-time and part-time regular employees to fulfill their obligations as citizens to participate in the political process at the local, state and national level. Such participation may, at times, include holding elective or appointive positions.

### 20.1.1 Employment Status

Before an employee decides to run for elective public office or accept an appointment to public office that would affect his or her normal University work schedule, the employee must apply through his or her supervisor to the administration for a change in employment status. These changes may include but are not limited to leaves of absence without pay for the period of service or days off without pay on a weekly or monthly basis with due regard for the needs of the University.

### 20.1.2 Approval for Change of Employment Status

An employee will not be paid by the University for the actual time devoted to seeking public office or to fulfilling responsibilities of public office. Specific conditions and agreements for a change of employment status should be worked out with the employee's immediate supervisor. Such arrangements will be subject to approval through proper administrative channels with final approval by the President.

## 20.2 Leave of Absence

If an employee's political participation results in a leave of absence, such leave will be unpaid. (See [Employee Benefits, Section 7](#))

# Separation of Employment

## 21.1 Resignation

### 21.1.1 Full-time or Part-time Regular Clerical and Supporting Employees

Full-time or part-time regular clerical and supporting employees who decide to leave the employ of the University are expected to give as much notice as possible, but normally not less than two (2) calendar weeks.

### 21.1.2 Full-time or Part-time Regular Administrative Staff Employees

Full-time or part-time regular administrative staff employees who decide to leave the employ of the University are normally expected to give a minimum of one (1) month's notice.

### 21.1.3 Full-time or Part-time Regular Faculty

Full-time or part-time regular faculty who decide to leave the employ of the University are normally expected to give a minimum of one (1) month's notice.

### 21.1.4 Payment of Annual Leave

If a terminating employee has accrued annual leave, he/she will be paid for the unused annual leave subject to the provisions of the annual leave policy. (See [Employee Benefits, Section 3.3](#))

### 21.1.5 Letter of Resignation

Employees who voluntarily resign their employment with the University should submit a written letter of resignation to their supervisor. This letter should indicate the reason for resignation, the last day the employee will work, the amount of accrued annual leave (if applicable), and the effective date of termination.

**21.1.6** An employee who is absent from duty for more than three (3) consecutive business days without giving notice to the Director, Human Resources or appropriate manager concerning the reason for such absence and without securing permission to be on leave or who fails to report for duty or to the immediate supervisor or the Director, Human Resources Services within two (2) business days after the expiration of any authorized leave of absence, absent unusual circumstances causing the employee's absence or preventing the employee's return, is considered as having resigned not in good standing.

### 21.1.7 Preparation of Personnel Action Form

Upon receipt of a letter of resignation, a Personnel Action Form shall be completed by the Director, Chairperson, Dean or Administrative Officer, and submitted through proper channels for the President's or his/her designee's signature. (See Human Resources Policies and Procedures, Section 21.4)

## **21.2 Termination**

### **21.2.1 Full-time or Part-time Regular Employees Other than Faculty**

For full-time or part-time regular employees other than faculty who are terminated for any reason by the University, a written explanation of the reason(s) for termination should accompany a completed Personnel Action Form. (See Human Resources Policies and Procedures, Section 21.4)

#### **A. Termination for Cause**

Employees may be terminated for such reasons as unsatisfactory performance, misconduct or excessive absenteeism. Prior to termination, disciplinary actions taken usually follow the order listed below:

1. A talk with the employee which is informal and unofficial.
2. An official verbal warning or reprimand.

A written memo of record should be made by the person giving the warning and should be retained for inclusion at a later date in the employee's permanent personnel file, if necessary.

3. A written warning or reprimand to the employee, presented in a personal conference and signed by the employee as acknowledgment of receipt.

A copy of this memo must be sent to the Human Resources Office to become a permanent part of the employee's personnel file.

4. Second and final written warning.

Such warning must have the prior approval of the Director, Human Resources.

5. Immediate suspension pending review of termination by the Director, Human Resources.

This may only be done in cases of gross misconduct or when the safety of others or University property may be threatened.

Termination based on gross misconduct may include, but is not necessarily limited to: any act or omission which may seriously disrupt or disturb the normal operation of the institution/school/Central Office; any work-related conduct which would subject the employee to criminal conviction; theft or dishonesty; gross insubordination; destruction of institution/school/Central Office property; falsification of records; acts of moral turpitude; reporting for duty under the influence of intoxicants; the illegal use, manufacture, possession, distribution, or dispensing of controlled substances or alcohol; disorderly conduct; provoking a fight; and/or such other similar acts involving intolerable behavior by the employee. In determining eligibility for unemployment compensation benefits, the definition of gross misconduct utilized by the Tennessee Department of Employment Security is not affected by the definition outlined in this paragraph.

#### 6. Termination of employment.

This action requires the prior approval of the Director, Human Resources. The President's approval is also required for administrative personnel.

#### B. Termination for Other Reasons

Employees who are being terminated for other reasons, such as termination of programs, discontinuance of funding, or employment at will should be given as much notice as possible of the last expected day of work. Such notification to the employee should be in writing.

#### C. Notice

Employees whose appointment letter so stipulates are required to receive prior notice. A minimum of fourteen (14) calendar days notice must be given to these clerical and support personnel and thirty (30) calendar days to administrative personnel.

### 21.2.2 Faculty

Termination of faculty must be in accordance with the Tennessee Board of Regents Policy on Academic Freedom, Responsibility, and Tenure which is outlined in the [Faculty Handbook](#), II-07.

### **21.2.3 Approval of President or His/Her Designee**

No regular employee may be terminated without the prior approval of the President or his/her designee.

### **21.2.4 Annual Leave**

Employees terminated for gross misconduct, or who resign to avoid dismissal for gross misconduct, shall not be paid for unused annual leave, subject to the provisions of the annual leave policy. (See [Employee Benefits, Section 3.3.7](#))

## **21.3 Retirement**

### **21.3.1 Voluntary Retirement**

Employees may voluntarily retire in accordance with the provisions in [Employee Benefits, Sections 12.1.8 and 12.1.10](#).

### **21.3.2 Annual Leave**

Employees who retire will be paid for any unused annual leave subject to the provisions of the annual leave policy. (See [Employee Benefits, Section 3.3](#))

### **21.3.5 Accumulated Sick Leave**

Upon retirement, any unused accumulated sick leave may be counted as creditable service subject to the provisions of the sick leave policy. Each 150 hours of sick leave shall equal one (1) month of retirement credit for TCRS participants. (See [Employee Benefits, Section 4.7.2](#))

## **21.4 Completion of Personnel Action Form**

Items must be completed on the Personnel Action Form to terminate or retire an individual per instructions with the form.

## **21.5 Exit Checklist**

### **21.5.1 General Information**

All regular faculty and staff terminating employment with the University are subject to the exit checklist process. The exit checklist is instituted to document that the University has completed all necessary items related to terminating employment of faculty or staff prior to release of the last paycheck. Several of the exit checklist items are necessary to comply with state or federal regulations.

### **21.5.2 Procedure**

A Personnel Action Form should be initiated as soon as a faculty or staff member resigns or when termination of employment is requested by the department. The terminating faculty or staff member must go to the Human Resources Office on the last working day to complete the exit checklist (See [Exhibit P/P-25](#)). The exit checklist must be completed before the last paycheck will be released. Direct deposit of the last paycheck is not allowed. The terminating employee should obtain the paycheck in the Human Resources Office or provide this office with an address for mailing the paycheck.

# Volunteer Services

## 22.1 Definition

Volunteer services performed for Tennessee Technological University shall be those services rendered by individuals according to the following conditions:

- A. He/she is working on a voluntary basis.
- B. He/she has no right to compensation.
- C. There is no employer/employee relationship.
- D. He/she is not entitled to benefits.
- E. He/she agrees to indemnify and hold harmless Tennessee Technological University from any claim or liabilities arising out of services performed on a voluntary basis.

## 22.2 Volunteer Services Agreement

An individual performing volunteer services for Tennessee Technological University shall sign a Volunteer Services Agreement (See [Exhibit P/P-24](#)) before beginning any volunteer services.

# Employment of Minors

## 23.1 Introduction

The Tennessee Board of Regents and Tennessee Technological University have adopted the following policy concerning age restrictions and conditions of employment.

## 23.2 Age Restrictions

No person under the age of sixteen (16) may be employed by any institution/school/Central Office of the Tennessee Board of Regents. Minors who are sixteen (16) or seventeen (17) may be employed under the following conditions:

- A. This employment must not interfere with the minor's health or well-being.
- B. If the minor is enrolled in school, this employment may not be during those hours when the minor is required to attend class.
- C. A minor must have a 30-minute unpaid break or meal period if scheduled to work 6 hours consecutively. However, the break or meal period may not occur during or before the first hour of scheduled work activity.

## 23.3 Prohibited Employment

Minors must not be employed in connection with the following:

- A. occupations in or about establishments storing explosives or articles containing explosive components or potentially hazardous chemicals;
- B. motor vehicle driving occupations;
- C. occupations involved in the operation of power-driven wood working machines;
- D. occupations involving exposure to radioactive substances and to ionizing radiations;
- E. occupations involved in the operation of elevator and other power-driven hoisting apparatus;
- F. occupations involved in the operation of power-driven metal forming, punching and shearing machines;
- G. occupations involved in the operation of hazardous power- driven bakery machines;

- H.** occupations involved in the operation of circular saws and band saws;
- I.** occupations involved in the operation of packing, processing or rendering;
- J.** occupations involved in the operation of hazardous power- driven paper products machines;
- K.** occupations involved in wrecking, demolition and ship- breaking operations;
- L.** occupations involved in roofing operations;
- M.** occupations in excavation operations.

### **23.4 Documentation**

Before any minor shall be employed, Tennessee Technological University shall obtain from the minor a verification of age by requiring the minor to provide a copy of the minor's birth certificate, or other available evidence such as a baptismal certificate or passport. A valid verification of age shall be conclusive evidence of the age of the minor to whom it is issued (See [Exhibit P/P-21](#)).

### **23.5 Exceptions**

**23.5.1** The provisions of this policy shall not apply to any minor who: is sixteen (16) or (17) years of age and not enrolled in school or is lawfully excused from compulsory school attendance under Tennessee Code Annotated, Section 49-6-3005. Copies of documents to support this exception must be in the minor's personnel record maintained by the Human Resources Office.

**23.5.2** This is the exemption covering the JTPA program: A minor may be employed if he/she is an enrollee in a public employment program which is conducted or funded by the federal government, provided that the employer (JTPA director) has on file in his/her personnel records an unrevoked written statement from a representative of the federal agency administering that program certifying the enrollment of said minor in the program.

**23.5.3** Under certain official institution programs designed to attract students at an early age to the health sciences or other fields, individuals under the age of 16 may be employed in those educational programs on a term or summer basis with written approval by the President or his/her designee. All prohibited activities specified in the Fair Labor Standards Act (FLSA) and those requirements of the State of Tennessee Child Labor Law must be observed.

# Reporting of Wrongdoing or Misconduct

## 24.1 Applicability of Policy

This policy applies to all faculty and staff of the University. See [Exhibit P/P-44](#) for explanations of fraud, waste, and abuse and how to report it.

## 24.2 Procedure to Follow

Any employee who becomes aware of losses involving misconduct or suspected fraud must immediately report the incident to an appropriate department official. If the incident involves their immediate supervisor, the employee must report the incident to the next highest-level supervisor. Employees should not confront the individual being investigated or initiate an investigation on their own. Such actions could compromise the investigation. A department official who receives notice of suspected misconduct or fraudulent activity must immediately report the incident to the following:

1. Vice President for Business and Fiscal Affairs or their designee
2. Internal Audit Department
3. Campus Police Office (as deemed necessary)

## 24.3 Investigation

All investigations will be conducted in accordance with [TBR Guideline B-080](#) and in as strict confidence as possible, with information sharing limited to persons on a "need to know" basis. The identities of persons communicating information or otherwise involved in an investigation or allegation of misconduct or fraudulent activity will be revealed beyond the institution and the TBR Legal and Business Office staff only as necessary to comply with reporting requirements, state law or if legal action is taken.

## 24.4 Additional Information

**24.4.1** An employee suspected of theft of institutional property may not resign as an alternative to discharge after the investigation has been completed. Exceptions to this requirement can only be made by the institution's President/Director, and require advance consultation with and approval by the Vice Chancellor for Business and Finance. If the employee resigns during the investigation, the employment records must reflect the situation as of the date of the resignation and the outcome of the investigation.

**24.4.2** An employee who is dismissed for gross misconduct or who resigns to avoid dismissal for gross misconduct shall not be entitled to any payment for accrued but unused annual leave at the time of dismissal.

# State Employee Suggestion Award Program

## 25.1 Introduction

This program provides for cash or honorary awards to state employees whose suggestions, when implemented, result in substantial savings or improvements in state government operations. The program is administered by the Employee Suggestion Award Board composed of the Commissioner of Finance and Administration, the Commissioner of Personnel, the Commissioner of General Services, the Executive Director of Fiscal Review Committee and one (1) member appointed by the Tennessee State Employees Association.

## 25.2 Employee Eligibility

Most employees of state government, except elected and appointed officials, are eligible to submit suggestions within the requirements of this program. Those employees ineligible for a monetary award will be eligible for an honorary award at the Board's discretion. Ineligible employees include:

- A.** Governor's staff, department commissioner or equivalent
- B.** Assistant or deputy commissioner, assistant to commissioner, major fiscal and administrative policy departmental staff or equivalent
- C.** Director or division chief including the full line division chief to a statewide program and division chief supervising several line service units or equivalent
- D.** Assistant to director or division chief, section chief or head of major departmental functions or equivalent
- E.** Temporary, emergency and contractual employees are ineligible for participation or claim
- F.** Former state employees, unless retired from the state
- G.** Persons who are dismissed from state service for cause
- H.** Commissioned and noncommissioned officers and enlisted personnel in the National Guard and federal employees under the jurisdiction of the Adjutant General
- I.** Members of state boards or commissions
- J.** Employees whose duties primarily concern administrative planning, evaluation and research, or whose duties include the making of suggestions, or who are

expected as a part of their job, to produce ideas for improvement and act upon them may not submit suggestions related to their duties

**K.** Employees who are assigned a particular problem to solve or improve that is within the scope of their duties and responsibilities are not eligible for award for any improvement developed as a result of that assignment

**L.** Employees serving on special committees except quality circles are not eligible for award on suggestions falling within the scope of committee's function

**M.** Members of agency or state suggestion committees, or personnel assigned to assist and coordinate activities of such committees.

### **25.3 Suggestion Criteria**

All suggestions are eligible for award consideration except those for changes which are under active consideration by those responsible and suggestions which fail to present positive, constructive concepts for improvements. If duplicate suggestions are submitted, the one with the earlier hour and date of receipt shall be considered while the others shall be ineligible. Other ineligible suggestions are those:

- A.** involving personal grievances
- B.** recommending increased taxes or license fees
- C.** recommending a change in the pay or classification of a position or class
- D.** recommending a study, survey or review with the course of action to be taken in accordance with the findings
- E.** not proposing a method or way to make an improvement
- F.** correcting a condition which exists only because established procedure or policy is not being followed
- G.** resulting from assigned or contracted audits, studies, surveys, reviews or research
- H.** recommending a change in agency missions, program goals or organizational objectives
- I.** not improving methods or procedures; not eliminating "bottlenecks", duplication of work; not reducing costs, waste, errors; not increasing production, efficiency, service; not saving lives, time, money

**J.** suggestions involving forms will be eligible if the suggestion reduces the total number of forms required and such reduction does not conflict with federal regulations.

Contact the Affirmative Action Coordinator at Tennessee Technological University to obtain forms and further instructions for submitting suggestions through this award program.

## **25.4 Time Limit for Award Consideration**

An employee's rights to an award shall be based on employment status at the time the suggestion is submitted. The Employee Suggestion Award Board must be notified that the suggestion was implemented.

### **25.4.1 Adoption**

The employee's right to an award exists if the suggestion is adopted and implemented within two years from the date of receipt, even though the employee may have terminated employment with the state except if terminated for cause.

### **25.4.2 Non-adoption**

The employee's right to an award exists if the agency implements the suggestion within two years of the date of the original notification of non-adoption, even though the employee may have terminated employment with the state except if terminated for cause.

### **25.4.3 Reconsideration of Non-Adopted Suggestions**

Suggestions not adopted and therefore denied awards by the Board may be resubmitted once within a one (1) year period if accompanied by substantial additional information which would add merit to the suggestion. If resubmission results in a second denial, the suggestion shall be deemed permanently denied and may not be resubmitted. Suggestions not resubmitted shall be deemed permanently denied after one (1) year and will not be reconsidered by the Board.

## **25.5 Payment of Awards**

The maximum cash award approved for suggestions submitted after July 1, 1985 is limited to ten (10) percent of the first year's estimated savings or \$6,000, whichever is less. Suggestions with a first year's estimated savings of less than \$250 and recommended for a cash award will be awarded \$25. Any cash awards approved by the Board will be charged against the appropriation item or items to which estimated savings apply.

### **25.5.1 Awards to Groups**

The amount of an award for a suggestion made by a group of employees will be determined on the same basis as a suggestion submitted by an individual. The amount awarded will be divided equally among those employees in the group. Members of the group will be identified by name at the time the suggestion is submitted.

### **25.5.2 Deceased Employee**

If an employee with a right to an award has deceased, the employee's estate will be paid the award.

# Tennessee Hazardous Chemical Right-to-Know Law

## 26.1 Introduction

On May 23, 1985, the General Assembly of Tennessee enacted the "Tennessee Hazardous Chemical Right-to-Know Law" to provide access of information concerning hazardous chemicals to manufacturing and non-manufacturing employees, emergency personnel and the general public. All TTU employees who work with hazardous chemicals in any way are covered by this law. The law became effective January 1, 1987, for non-manufacturers such as TTU. The administration and enforcement of this law is performed by the Tennessee Department of Labor.

## 26.2 Requirements

Employers are required to label hazardous chemicals, provide information on hazardous chemicals to employees who work with these chemicals and train employees on the hazards. Employees are not required to use hazardous chemicals in containers which are not properly labeled. Further details concerning the requirements and compliance procedures of this law may be obtained from the TTU Safety Officer and the safety manual. The Safety Officer is located in the Department of Facilities and Business Services and may be reached at 372-3227.

## 26.3 Penalties

If a Department of Labor inspection or investigation determines that a violation has occurred, the employer will be cited. Civil penalties for violations also are allowed by the law. Penalties are mandatory for serious violations and for failure to correct the violation within the time stipulated in the citation. Penalties may be up to \$1,000 for each violation or \$1,000 per day for each day the condition remains uncorrected. Civil penalties may be up to \$1,000 for nonserious violations and up to \$10,000 for employers who willfully or repeatedly violate this law.

# Drug-Free Campus/Workplace Policy

## 27.1 Introduction

It is the intent of Tennessee Technological University to comply with the Drug-Free Work Place Act of 1988 and the Drug Free Schools and Communities Act Amendments of 1989.

## 27.2 Policy

It is the policy of this institution that the unlawful manufacture, distribution, possession, use or abuse of alcohol and/or illicit drugs on the Tennessee Technological University campus or on property owned or controlled by the university is strictly prohibited. All categories of employees and students are subject to this policy and to applicable federal, state and local laws related to this matter. Additionally, any violation of this policy will result in disciplinary actions as set forth in the applicable sections of this policy.

## 27.3 Standards of Conduct

Tennessee Technological University employees and students are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, use or being under the influence of illegal drugs or alcohol on the university campus, and at off-campus facilities owned or controlled by the university. At off-campus events, to the extent that off-campus activities are considered to be university activities, the standards of conduct (of the act) must apply, and alcohol shall not be abused by those of legal drinking age, nor used, possessed or distributed by those who have not attained legal drinking age.

## 27.4 Legal Sanctions Under Local, State and Federal Law

Various federal, state and local statutes make it unlawful to manufacture, distribute, dispense, deliver, sell or possess with intent to manufacture, distribute, dispense, deliver or sell controlled substances. The penalty imposed depends upon many factors which include the type and amount of controlled substance involved, the number or 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 include imprisonment for any period of time up to a term of life imprisonment, a fine of up to \$4,000,000, supervised release, any combination of the above or all three. These sanctions are doubled when the offense involves either: 1) distribution or possession at or near a school or university 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. Under state law, the offense of possession or casual exchange is punishable as a Class A misdemeanor; 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 a felony as provided in T.C.A. S39-17-417. It is unlawful for any person under the age of twenty-one (21) to buy, possess, transport (unless in the course of his/her employment) or consume alcoholic beverages, wine or beer, such offenses being classified Class A misdemeanors punishable by imprisonment for not more than 11 months, 29 days, or a fine of not more than \$2,500, or both. (T.C.A. SS1-3-113, 57-5-301) It is further an offense to provide alcoholic beverages to any person under the age of twenty-one (21), such offense being classified a Class A misdemeanor. (T.C.A. S39-15-404) The offense of public intoxication is a Class C misdemeanor punishable by imprisonment of not more than 30 days or a fine of not more than \$50, or both. (T.C.A. S39-17-310)

## **27.5 Health Risk Associated With Use of Illicit Drugs and/or Abuse of Alcohol**

Every drug, including alcohol, is a potential poison which may cause disability and death if it is taken incorrectly into the body, consumed in wrong amounts or mixed indiscriminately with other drugs. Drugs cause physical and emotional dependence. Drugs and their harmful side effects can remain in the body long after use has stopped. The extent to which a drug is retained in the body depends on the drug's chemical composition, that is whether or not it is fat-soluble. Fat-soluble drugs such as marijuana, phencyclidine (PCP), and lysergic acid diethylamide (LSD) seek out and settle in the fatty tissues. As a result, they build up in the fatty parts of the body such as the brain and reproductive system. Such accumulations of drugs and their slow release over time may cause delayed effects weeks, months and even years after drug use has stopped.

There are many health risks associated with the use of illicit drugs and the abuse of 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. Additionally, the illicit use of drugs increases the risk of contracting hepatitis, AIDS and other infections. If used excessively, the use of alcohol or drugs singly or in certain combinations may cause death.

## **27.6 Drugs and Alcohol Counseling, Treatment and Rehabilitation**

### **27.6.1 Health Services**

Campus Health Services provides information to students and employees on drug and alcohol related problems. Referral services are also provided for professional counseling, treatment and rehabilitation programs that are available on campus and in the local community.

### **27.6.2 Employee Assistance Program (EAP)**

Employees of the university and their dependents are eligible to participate in the State of Tennessee Employee Assistance Program (EAP). Professional counseling services for drug and alcohol related problems are available through Green Spring of Tennessee. The counseling services are voluntary and strictly confidential. The services are free of charge for employees and their immediate family members. Appointments for counseling are made by calling 1-800-867-6811.

## **27.7 Institutional/School Sanctions**

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

### **A. Employees**

As a condition of employment, each employee, including student employees, must abide by the terms of this policy, and must notify their department head/supervisor of any criminal drug statute conviction for a violation occurring in 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 state or federal judicial body. 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

### **B. Students**

Any alleged violation of the Act by a student of the university shall be reported to the Dean of Students. Possible disciplinary sanctions for failure to comply with the terms of this policy 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. warning;
7. reprimand

### **27.8 Questions**

If you have any questions or desire additional information concerning the provisions of this policy, please contact the Student Services Office or the Human Resources Office.

# **Inclement Weather Policy**

## **28.1 General Statement**

Tennessee Technological University offices will remain open during periods of inclement weather even though classes may be cancelled.

**28.1.1** In accordance with TBR policy, faculty, administrators and staff of TTU are expected to make every reasonable effort to be at their work assignment on time, taking into consideration the personal risk involved. Administrators or staff employees who anticipate arriving late, or not arriving at work at all, should notify their immediate supervisor of this fact as soon as possible and request annual leave for the period of absence. If faculty members must be absent from assigned classes due to inclement weather, it is their responsibility to notify the appropriate chairperson and/or dean.

**28.1.2** The decision to cancel off-campus classes will be made by the Vice President for Academic Affairs in close consultation with the Dean of Graduate Studies and Extended Education and the coordinators of the off-campus centers. The information will then be disseminated as quickly as possible by whatever means are available in the vicinity of the affected center.

**28.1.3** At times it may be necessary for the President to declare specific hours as emergency closing as the result of inclement weather or other emergency situations. In such cases, regular full-time and part-time employees on the active payroll who are scheduled to work during the declared times of closing will be granted time off from work with pay. Employees who are not scheduled to work will not be paid for the emergency closing. Clerical and support personnel required to work to keep essential services functioning will receive extra compensation. Administrative personnel required to work will receive equal time off for hours worked.

**28.1.4** If classes are canceled due to inclement weather, missed classes should be made up in a manner chosen by the individual faculty member involved. If classes are not cancelled despite inclement weather, students are responsible for any academic work they miss as a result of inclement weather. It is the individual student's responsibility to take the initiative in making up any missed work, and it is the faculty member's responsibility to provide the student with a reasonable opportunity to make up missed work.

## **28.2 Procedures for Canceling Classes**

In those instances when weather conditions require a decision by the President of the University to authorize canceling classes, delaying the start of classes or suspending selected activities, the following procedures will be in effect:

**28.2.1** The Director of Facilities and Business Services and Director of Custodial and Grounds will monitor official weather reports, contact appropriate state, county and local Public Safety Officials and check local roads for hazardous driving conditions. They will review campus roads, walkways and parking lot conditions. The Director of Facilities and Business Services will advise the Vice President for Business and Fiscal Affairs of the findings. After receiving this information, the Vice President for Business and Fiscal Affairs will inform the Vice President for Academic Affairs, who will consult with the other vice presidents and recommend to the President whether the University should cancel classes or declare an emergency closing. If the Vice President for Business and Fiscal Affairs is unavailable, the Director of Facilities and Business Services and Director of Custodial and Grounds will contact the Vice President for Academic Affairs.

**28.2.2** The decision to cancel some or all classes should be made and announced as soon as possible to accommodate faculty and students who commute to the main campus or the off-campus centers. When circumstances require canceling classes beginning with the first period class, this recommendation should be submitted to the President as early as possible, but not later than 5:00 a.m. If the decision is made during evening hours, the recommendation should be made to the President before 8:30 p.m. if possible. In all other cases, the recommendations will be submitted as soon as possible.

**28.2.3** Once the decision is made to cancel classes or close offices and facilities or buildings on campus (or at extended education sites), the President or the Vice President for Academic Affairs will notify the Director of Public Affairs (or a representative of that office) as soon as possible. The Public Affairs staff member will prepare an official statement and notify the following in the order listed:

**28.2.3.1** Office of TTU Police

**28.2.3.2** University switchboard, information center and voice mail newswire. (A message will also be broadcast to all voice mailboxes on campus.)

**28.2.3.3** University radio station (WTTU)

**28.2.3.4** Cookeville-area radio and TV stations

**28.2.3.5** Metro Nashville network TV stations and select radio stations

**28.2.3.6** Metro Knoxville network TV stations and select radio stations

**28.2.3.7** University computer center (to post the announcement on the VAX)

### **28.2.3.8 University vice presidents**

Each Vice President will be responsible for notifying the appropriate personnel in the division.

**28.2.4** If possible, the statement should be prepared on Public Affairs office letterhead and faxed to each media outlet. The statement should identify the university as TTU or Tennessee Technological University--with an emphasis on "university"--to avoid possible confusion with the technology centers located across the state. If notification is required any time other than regular office hours, the Director of Public Affairs may telephone the media and report the cancellations.

Many media outlets require private passwords or codes for clement weather notifications. These codes shall be kept confidential and maintained annually by the Director of Public Affairs. Access to a listing of the codes will be limited to designated Public Affairs staff members and the Executive Director for University Advancement.

## **Copying and Inspecting Public Records**

### **29.1 Purpose**

The purpose of this procedure is to establish uniform procedures for handling requests under Tennessee's Open Records Law.

### **29.2 Definition**

Public Records are all documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings or other material regardless of physical form or characteristics made or received in connection with the transaction of official Tennessee Technological University business.

### **29.3 Inspection of Public Records**

Except for confidential public records, public records will be open for inspection by citizens of Tennessee in the office of record during business hours. Persons requesting to inspect records must show identification of Tennessee citizenship (i.e. driver's license, voter's registration, etc.) and complete a Request Form to Inspect/Copy Public Records.

#### **29.3.1 Request for a Specific Record**

Request to inspect records must be for a specific record. Tennessee Technological University is not required to create records or compile information. If the record is unavailable for some reason, i.e., filed in archives, being used for official business, etc., then the person requesting the record shall be advised when to return to inspect the record. All efforts will be made to provide the record(s) within a reasonable period of time.

#### **29.3.2 Custody of Record**

Custody of the record is not to be relinquished. The person requesting to inspect the record must do so in the presence of the custodian of the record or an appropriate designee. If it is not convenient for the record to be shown to the person because of present work requirement, then the person requesting to inspect the record shall be advised when to return to inspect the record. All efforts will be made to make available the record(s) within a reasonable period of time.

### **29.4 Inspection of Personnel Records**

Permanent personnel records of all employees, including former employees (faculty and staff), are subject to inspection under Tennessee's Open Records Law. Persons requesting to inspect personnel records must complete a Request Form to Inspect/Copy Public Records and show identification of Tennessee citizenship (i.e. driver's license, voter's registration, etc.). When a request is made to inspect a personnel record for other than

University business purposes, the concerned employee will be notified that such request was made and who made the request. Employees may inspect their own personnel file without having to complete a request form.

**29.4.1** Pursuant to legislation enacted in 1999, if a public records request is made for personnel files, the information below must be removed or blocked out prior to public access to the rest of the record:

- A. Unpublished telephone numbers,
- B. Bank account information,
- C. Social Security number,
- D. Driver's license information (except where operating a vehicle is part of the employee's job description) and
- E. The above information on immediate family or household members.

## **29.5 Copying of Public Records**

Upon request, Tennessee Technological University will provide at the requestor's expense copies of public records. When a request for copies is received, the custodian should not relinquish the records. The custodian should do as follows:

- A. Have the requesting party complete the Request Form to Inspect/Copy Public Records.
- B. Determine number of copies to be made and enter description and number of copies to be made on the form. The price per copy is \$1.00.
- C. Advise the requesting party that payment for copies is to be made at a cashier's window, Business Office, Derryberry Hall. The payment should be credited to the custodian's account. Upon presentation of an official TTU receipt to the custodian, the requested copies will then be made.
- D. All efforts will be made to make the copies within a reasonable period of time.
- E. After the copies are paid for, made and picked up, the form should be filed with the requested record in the Human Resources Office.

**29.5.1.** If it cannot be readily determined whether or not a requested document is covered by the Tennessee's Open Record Law, the Custodian shall refer the matter to the Office of the Vice President for Business and Fiscal Affairs. If that office is unable to make a determination, it may be referred to the President's Office.

## Work Assignment of UAS and CWSP Students

Students are assigned to departmental offices by the Financial Aid Office. At the end of the spring term, each office should submit a written request for the number of hours per week (not number of students) requested for both the summer term and the future academic year. One person in each departmental office should be responsible for requesting the total number of hours needed and assigning particular students to each supervisor (faculty member, departmental secretary, other staff person). Specific students who are in one of the work programs may be requested. Students will be reassigned to the same department each year unless there is a request for change from either the department or the student at the end of an academic year. Students will not be changed mid-year except under unusual circumstances.

The student and his supervisor should schedule the hours to be worked in a manner most beneficial to both parties. It is the supervisor's duty to have an appropriate amount of work available and to see that it is completed in a satisfactory manner. Students are expected to work; and, if enough work is not available, the supervisor should consider "lending" his worker to a departmental colleague.

### 30.1 University Academic Scholarship (UAS) Assignment

When the University Academic Scholarship student picks up his/her work assignment from the Financial Aid Office, he/she signs all three copies of the University Academic Scholarship Contract ([Exhibit P/P-27](#)). He/she should keep one copy for his/her records as this explains the requirements and responsibilities of the scholarship. Financial Aid will keep one copy and the student must present the third copy to the department where he/she is assigned to work. Students are reassigned each academic year and no student should be allowed to begin work until he/she presents this contract. Most students are required to work seventy-five (75) hours per semester. Hours per semester are reduced for those students receiving a fee discount.

#### 30.1.1 Work Report

The student should complete the required work hours by the last day of class of each quarter. By noon of the first day of finals (or earlier if work is completed), the student's supervisor should submit one (1) copy of the "University Academic Scholarship Work Report" ([Exhibit P/P-28](#)) to the Human Resources Office. These reports should be hand delivered rather than sent by campus mail.

### 30.2 College Work Study (CWSP) Assignment

When a CWSP student is assigned to a particular office, he/she will present a yellow "CWSP Work Assignment and Instruction Sheet" ([Exhibit P/P-29](#)). This will show the assigned maximum earnings for the academic year (or summer term), the rate of pay and the approximate number of hours per week the student should schedule. No student

should be allowed to begin work either summer or fall term until this assignment sheet is presented.

### **30.2.1 Work Report**

Each student should keep a daily record of hours worked on a time sheet which is kept in the supervisor's office. The department should then submit one (1) original and one (1) copy of the green College Work Study Payroll Report (Exhibit P/P-30) listing all of the students being paid for that month in that department. The green College Work Study Time Sheets ([Exhibit P/P-31](#)) for each student should be paper clipped to the back. This report should be hand delivered to the Human Resources Office by noon of the first working day of each month. The payroll checks will be ready for the students to pick up at Human Resources by the tenth of the month.

# Work Assignment of Regular Work Program Students

## 31.1 Regular (Institutional) Work Assignment

Students are hired directly through the department or office where they will work. Institutional employment will not affect any financial aid that a student is presently receiving. The student must have a yellow I-9 card ([Exhibit P/P-32](#)) before he/she commences work. This can be obtained in the Financial Aid Office by presenting some form of identification (driver's license or TTU student ID) and proof of eligibility to work (usually an original social security card).

### 31.1.1 Work Report

Each student should keep a daily record of hours worked on a time sheet, which is kept in the supervisor's office. Each day's hours should be recorded in tenths. The department submits one original white University Work Program Student Payroll Report ([Exhibit P/P-33](#)) listing all of the students being paid from each departmental account. This report is stapled to the top of the departmental Requisition for Student Salaries ([Exhibit P/P-34](#)) with the blue Student and Hourly Employees Time Sheets ([Exhibit P/P-35](#)) paper clipped to the back. This report should be hand delivered to the Human Resources Office by 4:30 p.m. on the first working day of each month. The payroll checks will be ready for the students to pick up in the Human Resources Office on the tenth of each month.

# Certified Professional Secretary Guidelines

## 32.1 Employee Eligibility

Employees who work in a clerical-secretarial or clerical- management non-exempt position who pass all parts of the Certified Professional Secretary Examination shall be granted a nine percent (9%) increase in salary. Exempt employees are not eligible for the increase.

## 32.2 Salary Increase

The salary increase shall become effective with the next pay period beginning after the employee's passing grades on all parts of the examination are certified by the Institute for Certifying Secretaries. The certification date is located in the upper left-hand corner of the Candidate Performance Report generated by the Professional Secretaries Institute (PSI). (It is not the date that the test is administered nor the date that the report from PSI is received.) It is the employee's responsibility to provide the appropriate verification to the Human Resources Office.

## 32.3 Use of Annual Leave

The time off required to take the CPS examination shall be charged to annual leave or to leave without pay if the employee has no annual leave.

**32.4** The guidelines apply to employees who pass all parts of the CPS exam after the effective date of the TBR guideline which is July 1, 1991.

# **Administrative/Professional Position Evaluation Plan (APPEP)**

## **33.1 Under Construction**

*TTU is conducting a compensation study of all Clerical, Support, Administrative, and Professional positions. Policy will be updated upon completion of study and approval by TBR.*

## **Background Check Policy**

### **34.1**

Pursuant to Tennessee Board of Regents [Guideline P-010](#), Personnel Transactions and Recommended Forms, background checks will be conducted of candidates recommended for specified positions including interim/acting positions. The Human Resources Office will determine the necessity of subsequent background checks for employees who have a background check on file and who are being promoted or transferred to a new position. Factors to be considered will be recency of previous background check and duties and responsibilities of the new position. Circumstances may also arise for which background checks of current employees will be necessary in order to determine whether their employment status with the institution should be changed. This process is necessary to ensure that individuals are selected or retained who possess the qualifications to perform the duties of the position most effectively and who are best able to serve the institution. Background checks may include but not be limited to: confirmation of the individual's identity; credit information; review of an individual's criminal conviction record, if any; verification of any license, certificate or degree required for the position. The Director of Human Resources shall designate what checks are necessary based upon the position being filled.

### **34.2**

Individuals shall be made aware of the background check procedures during the application process. Appointment to or continued employment in a specified position is contingent upon an acceptable background check, and any written offer of employment must contain notice of this contingency. Background checks, when possible, will be completed prior to appointing a person to the position. However, should a background check be initiated or the results provided after employment has begun, the results shall be used to assess the employee's suitability for continued employment. If employment is begun prior to receipt of the results of the background check, the employment contract shall state that continued employment is conditioned upon an acceptable background check.

### **34.3**

The Human Resources Office will determine and maintain a list of the types of checks that will be required of the specified positions based upon the responsibilities of the position. Only those types of checks where there is a clear connection between the duties or nature of the position and the need for this information will be requested. Some positions for which a credit and/or criminal background check might be appropriate are those where the employee would handle currency; have access to confidential information and/or the capability to create, delete or alter records; have routine access to building master control and key systems; be responsible for the care or instruction of children; or, work in an area of the institution which has been designated as a security-sensitive area.

### **34.4**

The Human Resources Office is responsible for ensuring that the Disclosure and Authorization form ([Background Investigation Consent form](#)) required by the Fair Credit Reporting Act (FCRA) is completed. No background check may be requested until this form is completed. If the candidate/employee refuses to sign the Disclosure and Authorization Form, no further consideration for employment will be given to this individual.

### **34.5**

The Human Resources Office will send, via the internet, the background check request to the background check agency, who will normally respond in 1-7 days of receipt of the form.

### **34.6**

The Employment Manager and the Director of Human Resources will review and evaluate all information obtained in the Background Investigation. If the consumer report contains information upon which it is determined that the candidate/employee does not possess the qualifications or characteristics necessary to perform the duties of the position most effectively, or would not be the best candidate to serve the institution in the subject position, an offer of employment, promotion, reclassification or transfer should not be made.

### **34.7**

Detention and/or arrest without conviction do not constitute valid grounds for employment decisions and cannot play a part in the decision-making process. Only criminal convictions or pleas of nolo contendere will be considered in determining a candidate's/employee's suitability for employment or continued employment. In assessing a record of criminal convictions, the decision will be made by assessing:

**34.7.1** The nature and severity of the offense as well as a variety of surrounding facts and circumstances including, but not limited to:

- A. the age of the individual at the time of the offense;
- B. the number of offenses for which the individual was convicted;
- C. the time which has elapsed since the last offense;
- D. whether the circumstances arose out of an employment situation.

**34.7.2** The duties, responsibilities and circumstances of the position applied for including, but not limited to:

- A. the nature and scope of the position's student, public or other interpersonal conduct;
- B. the nature and scope of the position's autonomy and discretionary authority;
- C. the extent to which the position holds a measure of fiscal responsibility to the institution;
- D. the opportunity presented for the commission of additional offenses; and
- E. the extent to which acceptable job performance requires the trust and confidence of the institution, employees, students or the public.

**34.7.3** The critical questions that must be answered in order to substantiate a decision not to hire, promote, transfer, etc. are:

- A. whether the nature of the criminal conviction prevents the individual from performing the job applied for in an acceptable business-like manner; and
- B. whether the offense is job-related, i.e., can the individual perform acceptably in spite of the conviction.

## **34.8**

If adverse action is to be taken based in whole or in part on the information obtained from the background check, additional provisions of the FCRA must be followed. Prior to taking adverse action, the Human Resources Office must provide the candidate/employee with a copy of the background check report, along with a summary of rights. After the adverse action is taken, the candidate/employee must be given an Adverse Action Notice

(See [Exhibit P/P-38](#)). An adverse action would include such things as the University's intent to deny employment to a candidate or promotion, reclassification, transfer or retention as an employee. Information will be shared with the hiring department and/or supervisor of current employee.

### **34.9**

Any discrepancy between information provided by the applicant on application materials and the information provided by the background check agency in the background investigation must be explained and documented. The candidate/employee must sign a statement of explanation which is then attached to the background investigation paperwork and put in the subject's personnel file.

### **34.10**

The background check agency will charge a fee for each investigation conducted. The Human Resources Office covers all fees except for the following areas:

**34.10.1** Facilities and Business Services

**34.10.2** Grant-funded positions

**34.10.3** Residential Life

**34.10.4** Post Office

**34.10.5** Fitness Center

**34.10.6** General education funding

### **34.11**

The Human Resources Office will serve as the custodian of the records for background investigation results. Results on individuals who become employees will be kept in the employee's personnel file.

## Conflict of Interest

### 35.1 Objectives of this Policy

Members of the Tennessee Board of Regents and all employees of the TBR and its constituent Institutions all serve the interests of the State of Tennessee and its citizens, and have a duty to avoid activities and situations which, either actually or potentially, put personal interests before the professional obligations which they owe to the State and its citizens. This policy is intended to 1) define the general principles which should guide the actions of members of the Board and of employees, 2) offer illustrations of activities which potentially constitute a conflict of interest, 3) make Board members and employees aware of disclosure requirements related to conflicts of interest, 4) describe the process by which those disclosures shall be evaluated and decisions rendered, and 5) describe the appeals process regarding such decisions.

### 35.2 Pertinent Federal Regulations, State Laws, and TBR Policies

The following lists are intended to indicate sources of information that may provide additional guidance regarding conflict of interest situations. This policy is intended to be consistent with all pertinent Federal and State laws, regulations, and policies, as well as with other TBR and University policies. To the extent that conflicts arise, Federal and State laws, regulations, and policies shall take precedence. The lists are not intended to be exhaustive, and additional laws, regulations, and policies may be implicated in a given conflict of interest situation.

#### 35.2.1 Federal Regulations

The National Science Foundation (NSF) and the Department of Health and Human Services (HHS), acting through the Public Health Service (PHS) (which includes the National Institutes of Health (NIH)), have promulgated policies and regulations regarding conflicts of interest and disclosure of financial interests by investigators who receive funding from these Federal agencies. The NSF policy regarding researcher conflicts of interest is contained in Section 510 of NSF Publication 95-26, the Grant Policy Manual. The PHS regulations, upon which the NSF policy is modeled, are contained in the Code of Federal Regulations at 42 CFR 50.601 *et seq.* and 45 CFR 94.1 *et seq.*

Other Federal agencies (e.g., the Veterans' Administration or the Food and Drug Administration) may require as a condition to a contract disclosure and management of conflicts of interest (see, for example, Veterans' Administration Acquisition Regulation 852.209-70).

### **35.2.2 Tennessee State Law**

Various statutes contained in the Tennessee Code Annotated (T.C.A.) (2001) are pertinent to the issues of conflicts of interest within the TBR System, including:

T.C.A. § 8-50-501, Disclosure statements of conflict of interests by certain public officials

T.C.A. § 12-2-208, Purchase by officer unlawful – penalty for violation

T.C.A. § 12-2-415, State surplus property disposition regulation

T.C.A. § 12-2-416, Violation of § 12-2-415

T.C.A. § 12-2-417, State employee violation -- punishment

T.C.A. § 12-3-106, Conflict of interest – Rebates, gifts, etc., from contractors

T.C.A. § 12-4-101, Personal interest of officers prohibited

T.C.A. § 12-4-102, Penalty for unlawful interest

T.C.A. § 12-4-103, Bidding by state employees prohibited

T.C.A. § 12-4-104, Penalty for unlawful transactions

T.C.A. § 49-8-203(d), Powers and duties (of the Board of Regents)

It is significant to note that violation of some of these statutes may lead to criminal penalties (e.g., violation of T.C.A. § 12-4-103 is a Class E felony).

### **35.2.3 University Policies**

The following University policies deal with issues that implicate conflict of interest situations:

**35.2.3.1 [Purchasing Policy and Procedures](#)**

**35.2.3.2 [Disposal of Surplus Personal Property](#)**

**35.2.3.3 [Outside Employment](#)**

**35.2.3.4 [Intellectual Property](#)**

### **35.2.3.5 [Nepotism](#)**

## **35.3 Definitions**

**35.3.1** A “conflict of interest” occurs when the personal interests, financial or otherwise, of a person who owes a duty to the Tennessee Board of Regents and its constituent Institutions (Regents and all employees) actually or potentially diverge with the person’s professional obligations to and the best interests of the TBR and its Institutions.

**35.3.2** A “conflict of commitment” occurs when the personal or other non-work related activities of an employee of the TBR and its constituent Institutions impair the ability of that employee to meet their commitments of time and energy to the TBR and its Institutions.

**35.3.3** “Family member” includes the spouse and children (both dependent and non-dependent) of a person covered by this policy.

## **35.4 Supplementary Institutional Policies and Regulations**

As each Institution may deem necessary and appropriate, TBR Institutions are authorized to develop additional Institution-specific policies, regulations, and procedures relating to conflicts of interest and conflicts of commitment, provided such policies and regulations are consistent with Federal and State law and with this and other policies of the Tennessee Board of Regents.

## **35.5 Applicability**

This policy shall apply to all persons serving as members of the Board of Regents and to all persons employed (either as full-time, part-time or temporary employees) by the Tennessee Board of Regents and its constituent Institutions.

## **35.6 General Principles**

It is the policy of the Tennessee Board of Regents that employees should avoid external commitments which significantly interfere with the employee’s duties to the TBR and its constituent Institutions (conflicts of commitment). See also [TBR Policy 5:01:05:00](#), Outside Employment. Disclosures of conflicts of commitment shall be made as required under [Policy 5:01:05:00](#) and evaluated as indicated in that policy.

It is the further policy of the Tennessee Board of Regents that both Regents and employees should avoid situations where the self-interests of the Regent or employee diverge from the best interests of the TBR and its Institutions (conflict of interest).

The mere existence of either a potential or actual conflict of interest does not mean that such conflict must necessarily be eliminated. Where the potential detriment to the TBR and its Institutions is at most minor and inconsequential, and the conflict does not indicate violation of Federal or State law, regulation, or policy, those persons charged with evaluating disclosures should allow the activity to proceed without interference. For those situations which do not implicate Federal or State law, regulation or policy, the standard by which it should be determined whether a conflict of interest should be managed, reduced, or eliminated is whether that conflict would appear to a reasonable person to call into question the integrity or judgment of the affected Regent or employee.

### **35.7 Situations and activities creating a conflict of interest**

In the following situations and activities, there is at least the appearance, and possibly the actuality, of an employee allowing his or her personal interests, and not the best interests of the TBR and its constituent Institutions, to affect that employee's judgments. This list is illustrative, and not exhaustive.

#### **35.7.1 Self-dealing**

Situations in which a Regent or employee can appear to influence or actually influence an Institutionally-related decision from which that person or a member of that person's family stands to realize a personal financial benefit is self-dealing, and a conflict of interest. Examples of self-dealing activities are numerous, and include those listed below.

##### **35.7.1.a Purchase of State-owned property by an employee absent fair and open bidding**

It is unlawful for any state employee to purchase surplus state-owned property absent a fair and open bidding process (see T.C.A. § 12-2-208 and T.C.A. § 12-2-417). Such purchases are also prohibited under [TBR Policy 4:02:20:00](#).

##### **35.7.1.b Institutional purchases from businesses in which an employee or family member has a financial interest**

1. T.C.A. § 12-4-103 declares that it is unlawful for any state official or employee to "bid on, sell, or offer for sale, any merchandise, equipment or material, or similar commodity, to the state of Tennessee" or "to have any interest in the selling of the same to the state" during that person's term of employment and for

six months thereafter. Disclosure of any such transaction by an employee or member of the employee's family or by a business in which an employee or member of the employee's family has any significant (more than 4%) ownership interest or for which an employee or employee family member serves as an officer is required by this policy.

**2.** T.C.A. § 12-3-106(b)(2003) declares that it is a conflict of interest for any person or any company with whom such person is an officer, a director, or an equity owner of greater than 1% interest to bid on any public contract for products or services for a governmental entity if such person or a relative of such person is a member of a board or commission having responsibility for letting or approving such contract. For purposes of this section only, "relative" means spouse, parent, sibling, or child.

**35.7.1.c** Use of educational materials from which a faculty member derives financial benefit in that faculty member's teaching activities

Any faculty member who wishes to use in his or her teaching activities educational materials (e.g. a textbook) that he or she has authored, or in which he or she otherwise stands to benefit financially from such use, a conflict of interest disclosure shall be made per Section 35.8 of this policy. Whether the use of such materials shall be permitted shall be evaluated either under the terms of Institutional policy, or in the absence of such policy, by the Review Committee established under Section 35.14 of this policy. Such evaluation shall include consideration of suitable substitute materials and ensure that the needs of students are best served by use of the materials in which the faculty member has an interest.

**35.7.1.d** Acceptance of gifts, gratuities, or favors

**1. Gifts.**

No employee shall knowingly solicit or accept, directly, or indirectly, on behalf of himself or herself or any member of the employee's household, for personal use or consumption any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee or any other thing of monetary value, from any person or entity that:

- i.** Has, or is seeking to obtain, contractual or other business or financial relations with the institution in which the individual is employed; or
- ii.** Has interests that may be substantially affected by the performance or nonperformance of the employee.

### **35.7.1.e Exceptions**

The prohibition on accepting gifts in Section 35.7.1.d does not apply to:

- 1.** A gift given by a member of the employee's immediate family, or by an individual if the gift is given for a non-business purpose and is motivated by a close personal friendship and not by the position of the employee;
- 2.** Informational materials in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.
- 3.** Sample merchandise, promotional items, and appreciation tokens, if they are routinely given to customers, suppliers or potential customers or suppliers in the ordinary course of business, including items distributed at tradeshow and professional meetings where vendors display and promote their services and products;
- 4.** Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, including tradeshow and professional meetings, if the value of such items does not exceed fifty dollars (\$50.00) per occasion; provided further, that the value of a gift made pursuant to this subsection may not be reduced below the monetary limit by dividing the cost of the gift among two or more persons or entities identified in Section 35.7.1.d;
- 5.** There may be circumstances where refusal or reimbursement of a gift (such as a lunch or dinner) may be awkward and contrary to the larger interests of the institution. In such circumstances, the employee is to use his or her best judgment, and disclose the gift including a description, estimated value, the person or entity providing the gift, and any explanation necessary within fourteen (14) days to their immediate supervisor;

**6.** Food, refreshments, meals, foodstuffs, entertainment, beverages or intrastate travel expenses that are provided in connection with an event where the employee is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings;

**7.** Participation in institution or foundation fundraising and public relations activities, i.e. golf tournaments and banquets, where persons or entities identified in Section 35.7.1.d provide sponsorships; and

**8.** Loans from established financial institutions made in the ordinary course of business on usual and customary terms, so long as there are no guarantees or collateral provided by any person described in 35.7.1.d.

### **35.7.2** Inappropriate use of students or support staff

Employees shall ensure that the activities of students or support staff are not exploited for the benefit of any external activity of the faculty member. Prior to assigning any such non-Institutionally related task (which is more than incidental or de minimus in nature) to a student or member of the support staff, an employee shall disclose such proposed activities and obtain approval.

### **35.7.3** Inappropriate use of State owned resources

Employees may not make significant use of State owned facilities, equipment, materials or other resources, not otherwise available to the public, in the course of activities which are not related to the Institution and which are intended for personal benefit, without prior disclosure and approval.

### **35.7.4** Failure to disclose intellectual property

[TBR Policy 5:01:06:00](#) governs the rights and responsibilities which persons affiliated with the TBR and its Institutions have regarding intellectual property developed during the term of their affiliation with the TBR. Among the responsibilities enumerated in the policy is that of disclosure of inventions and those copyrightable works that may be reasonably expected to have commercial value that they have jointly or solely developed or created during their affiliation with the TBR and its Institutions.

### **35.8 General disclosure requirements**

Persons to whom this policy applies who believe that a conflict of interest may exist either personally or with respect to another person covered by this policy shall make a written disclosure of the facts and circumstances surrounding the situation. No particular format is required, but the disclosure should adequately describe the pertinent facts and circumstances. For members of the Board, disclosure shall be made to the General Counsel. Employees of the Central Office shall make disclosure to either their immediate supervisor or to the General Counsel. At the Universities and Community Colleges, disclosures shall be submitted to the employee's immediate supervisor or other person designated by the President to receive such disclosures. At the Technology Centers, disclosures shall be submitted to the Center Director. Disclosures made by a President or Director shall be submitted to the General Counsel.

### **35.9 Special disclosure requirements for researchers applying for or receiving NSF or PHS funding**

Under the policies and regulations indicated under Section 35.2.1 herein, investigators seeking funding from either the National Science Foundation or the Public Health Service are required to disclose to the investigator's employer all significant financial interests of the investigator 1) that would reasonably appear to be affected by the research or educational activities funded or proposed for funding by the NSF or PHS or 2) in entities whose financial interests would reasonably appear to be affected by such activities. Such disclosures must be submitted prior to the time the proposal is submitted to the Federal agency. Further, such disclosures must be updated during the period of the award, either annually or as new reportable financial interests arise. The Institution is responsible for eliminating or managing such conflicts prior to receipt of the award. To facilitate such disclosures, a disclosure form ([Exhibit P/P-41](#)) is available.

Each Institution is responsible for determining if a grant, services, or other contract with Federal agencies other than the Public Health Service or the National Science Foundation requires disclosure and / or management of conflicts of interest, and for ensuring that any such requirements are met.

Disclosure of financial interests made pursuant to this Section 35.9 notwithstanding, such disclosure does not eliminate the responsibility for making disclosures under Section 35.8, when specific conflict of interest situations arise.

### **35.10 Special disclosure requirements for Regents and certain TBR employees**

Members of the Board of Regents, the Chancellor of the TBR, members of the senior staff of the TBR Central Office (all Vice Chancellors and the General Counsel), the Presidents of all TBR Universities and Community Colleges, the Directors of the

Tennessee Technology Centers, coaches, assistant coaches and employees of athletic departments who are exempt from the provisions of the Fair Labor Standards Act are required to file a financial disclosure form within one month of their initial appointment and annually thereafter in January. Disclosure of financial interests made pursuant to this Section 35.10 notwithstanding, such disclosure does not eliminate the responsibility for making disclosures under Section 35.8, when specific conflict of interest situations arise.

**35.10.1** Members of the Board of Regents shall make their disclosure using a form as indicated in Exhibit P/P-42 submitted to the TBR Office of General Counsel.

**35.10.2** Disclosures from Central Office personnel, Presidents, and Directors shall be made using a form as indicated in [Exhibit P/P-43](#) and submitted to the TBR Office of General Counsel.

**35.10.3** Disclosures from coaches, assistant coaches, and exempt employees of athletic departments shall be made using a form as indicated in [Exhibit P/P-43](#) and submitted to the Institution's Human Resource Officer or other person designated by the Institution's President.

### **35.11 Review of disclosures**

Disclosures made under Section 35.8 of this policy by a member of the Board of Regents, the Chancellor, or by a President or Director shall be evaluated by the Board or a duly appointed committee thereof. A member of the Board making a disclosure shall not be entitled to vote regarding disposition of the disclosure.

Disclosures made under Section 35.8 of this policy by a person employed by the TBR Central Office shall be evaluated by a committee composed of the General Counsel, the Vice Chancellor for Administration, and the Vice Chancellor for Business and Finance. If the disclosure is made by one of those three persons, that person shall not be entitled to vote regarding disposition of the disclosure.

Each TBR Institution shall establish at least one Review Committee comprised of no fewer than three persons to receive and evaluate disclosures generated under Sections 35.8 and 35.9 herein by employees of the Universities, Community Colleges, and Technology Centers. Policies and procedures regarding such matters as selection of members, duration of membership, frequency of meetings, etc. shall be adopted by each Institution. An Institution that fails to explicitly adopt a policy shall be expected to follow the terms of the policy provided as Section 35.14. Following evaluation of the disclosure, the Committee shall render a decision regarding the issue(s) presented by the

disclosure. Any disclosure that indicates an actual violation of law shall be forwarded to the President or Director of the Institution along with the Committee's findings.

Persons potentially committing a conflict of interest violation under consideration by a conflict of interest review Committee shall receive notice of the Committee's evaluation, and be given an opportunity to appear before that Committee.

### **35.12 Sanctions**

Failure to observe restrictions imposed as a result of review of a conflict of interest disclosure or a knowing failure to disclose a conflict of interest may result in disciplinary proceedings under TBR and Institutional policy.

### **35.13 Appeals**

Decisions made by the Board of Regents may not be appealed. Decisions made by the Central Office Review Committee may be appealed to the Chancellor. Decisions of the Chancellor shall be final and binding. Decisions made by an Institutional Review Committee may be appealed to the President or Director of the Institution. Decisions of the President or Director shall be final and binding.

### **35.14 Establishment of a Conflict of Interest Disclosure Review Committee**

A Committee shall be formed from Institution faculty and staff, pursuant to [TBR Policy 1:02:03:10](#). The general responsibilities of this Committee are defined in [TBR Policy 1:02:03:10](#). Additional details associated with the Committee are defined herein.

#### **35.14.1 Number of Members**

Per [TBR Policy 1:02:03:10](#), the Committee shall consist of at least three members, with at least one member selected from the faculty and at least one member selected from administrative or support staff personnel.

The President established a review committee for TTU to include individuals filling the following positions:

- a. Vice President for Business & Fiscal Affairs
- b. Director of Compliance in Athletics
- c. Immediate Past President of Faculty Senate
- d. Coordinator of Special Projects/Office of the President
- e. Manager, Payroll and Benefits

In addition, the TTU Director of Internal Audit will serve as consultant to the Committee.

#### **35.14.2 Selection of Members**

Members of the Committee shall be appointed by the President.

#### **35.14.3 Duration of Membership**

These appointments will continue as long as the above positions are filled or until the President desires to make a change to the committee composition. If one of the designated positions is reclassified or re-titled, the person filling the position for which the responsibilities are most similar to those currently comprising said position will assume the duty of serving on the committee.

#### **35.14.4 Meetings**

The TTU committee will meet at least once per Spring and Fall semesters. Approximate dates for these meetings are February and October. Additional meetings will be scheduled as often as needed to conduct committee business.

#### **35.14.5 Duties**

As described in [TBR Policy 1:02:03:10](#), the committee shall evaluate conflict of interest disclosures and make determinations regarding what actions may be required to manage, reduce or eliminate conflicts of interest for TTU employees.

#### **35.14.6 Distribution and Collection of Information**

##### **35.14.6.1 General Disclosure Requirements**

Persons to whom this policy applies who believe that a conflict of interest may exist either personally or with respect to another person covered by this policy shall make a written disclosure of the facts and circumstances surrounding the situation. No particular format is required, but the disclosure should adequately describe the pertinent facts and circumstances. Disclosures shall be submitted to the employee's immediate supervisor or other person designated by the President to receive such disclosures.

##### **35.14.6.2 Financial Conflict of Interest Disclosure Form--PHS, NIH, or NSF/TBR**

Investigators seeking external funding from agencies other than the National Science Foundation or the Public Health Service are required to disclose to the investigator's employer all significant financial interests of the investigator. Such disclosures must be submitted prior to the time the proposal is submitted to the Federal agency and must be updated during the period of the award, either annually or as new reportable financial interests arise. The institution is responsible for eliminating or managing such conflicts prior to receipt of the award. To facilitate such disclosures, information requested in [Exhibit P/P-41](#) will be secured by TTU's Office of Research as needed.

Disclosure by each investigator of all significant financial interests (including those of the investigator's spouse and dependent children) which a) reasonably appear to be affected by the research or educational activities funded or proposed for funding, or b) exists in entities whose financial interests would reasonably appear to be affected by such activities.

"Investigator" means the principal investigator, co-principal investigators, and any other person at a TBR institution who is responsible for the design, conduct, or reporting of research or educational activities funded or proposed for funding.

"Significant financial interest" means anything of monetary value, including, but not limited to, salary or other payments for services (greater than \$10,000 per year from sources other than the employee's TBR Institution), equity interest (greater than \$10,000 in value or more than 5% of the ownership interest in a single entity), and intellectual property rights.

The TTU Office of Research will screen the completed forms for potential conflicts of interest and notify the recorder for the TTU Conflict of Interest Committee when a potential conflict of interest is found. The committee will then review the information and make a determination as to whether a conflict of interest exists. Even if a conflict exists, it does not necessarily mean that the investigator cannot continue pursuing funding or working on the project.

Twice yearly, just prior to pre-scheduled October and February meetings of the committee, a summary of all completed forms will be collected

from the Office of Research for review. Hard copies of the actual forms will be available for review in the Office of Research.

### **35.14.6.3 Financial Interests Disclosure Form**

The President (of the University), coaches, assistant coaches and employees of athletic departments who are exempt from the provisions of the Fair Labor Standards Act are required to file a Financial Interests Disclosure form ([Exhibit P/P-43](#)) within one month of their initial appointment and annually thereafter in January. At the time that new non-student employees and graduate assistants sign their appointment letters in the TTU Office of Human Resources, a Financial Interests Disclosure form and cover letter of explanation from the President will be given to them. Human Resources will ensure completed forms are received from the president and Athletics "exempt" employees as policy directs. The Office of Financial Aid will distribute FID forms and cover letters of explanation to all other student employees (work study, scholarship and students hired by departments). All completed forms will be sent to Coordinator of Special Projects/Office of the President (Box 5007) for review by committee.

In January of each year, the Financial Interest Disclosure form ([Exhibit P/P-43](#)) will be mailed or emailed from the TTU President to all employees--adjunct faculty; permanent, temporary, full-time and part-time employees--including all student employees and Extended Education employees. Accompanying the Financial Interest Disclosure form will be a letter from the President. A web link to the Conflict of Interest policy will be provided to employees within correspondence from President. TTU Conflict of Interest Committee information will also be included in information from President.

TTU President must complete and submit the Financial Interest Disclosure form. In addition, *all coaches, assistant coaches and exempt employees in Athletics must submit and complete said form and submit to the Director of Athletics. All other employees should submit completed Financial Interest Disclosure form only if they are (or believe they might be) in a conflict of interest position.* Deadline for submission will be stated in correspondence.

Employees who have campus email addresses will receive information by email. Employees without email addresses--temporary employees,

adjuncts and others--will be mailed a hard copy of the correspondence and Financial Interest Disclosure form. Lists for these employees will be secured as follows:

Human Resources will generate mailing labels for employees who do not have email addresses (some Facilities employees, etc.). Human Resources will also generate a list (name, department and box number) for all temporary employees receiving a check in the month of January.

At any time throughout the year, if any employee feels that a potential conflict of interest has developed since the annual reporting time, the employee is responsible for completing and submitting the Financial Interest Disclosure form to either the Athletics' Director of Compliance or the Coordinator of Special Projects.

#### **35.14.6.4 Bid Disclosure Form**

New employees are required to complete bid disclosure forms ([Exhibit P/P 46](#)) at the time they sign their employment contracts. The form is in compliance with TCA 12-4-103 and [TBR Guideline G-030](#). On the form, employees must disclose whether they or their spouse have ownership in any business. Continuing employees receive a bid disclosure form annually to complete and return so the university may update its records. The forms are distributed by TTU Human Resources and, upon completion, forwarded to TTU Accounts Payable. Twice yearly, just prior to pre-scheduled October and February meetings of the committee, a summary of all Bid Disclosure Form info will be collected from Accounts Payable for review. Hard copies of the actual forms will be available for review in Accounts Payable.

#### **35.14.7 Miscellaneous Info**

A list of committee members will be posted on the TTU web page and a link will be added to appropriate policy handbooks (e.g., faculty handbook, etc.) Employees will be made aware of the committee makeup and procedures.

## Postdoctoral Research/Scholars Policy

### 36.1 Purpose

The purpose is to provide recent graduates who have completed their doctoral degrees (Ph.D., Sc.D., M.D., D.D.S. and equivalent doctorates) the opportunity to continue their development and preparation for full-time academic or research careers, and to broaden their research skills under the guidance of senior scholars in their field.

### 36.2 Definition

**Postdoctoral Research Associate:** A Postdoctoral Research Associate is an individual possessing a doctorate or **professional degree** equivalent to a doctorate holding a one-year or less (but not less than 6 months) renewable appointment at the request of the faculty mentor not to exceed 2 one year renewals. A Postdoctoral Research Associate must have been awarded a Ph.D. or equivalent doctorate in an appropriate field within the previous three years (the first appointment must be within this 3 year period). The primary purpose of the appointment is to provide for continued education, training or experience in research, normally under the supervision of a senior mentor. The appointment involves substantially full-time research or scholarship. The appointment carries no academic rank, although it confers on the appointee the status of TTU employee. The appointee has the freedom, and is expected, to publish the results of his or her research or scholarship (performed at TTU) and during the period of the appointment.

This policy statement neither speaks to nor affects those individuals currently appointed in the related category of “Research Associates” currently allocated to TTU Admin Pay Plan Grade 8 or “Research Assistant Professors” (a non-tenure track specific term faculty appointment which may serve as principal investigator and teach as a regular part of the job and is subject to normal Human Resources/Equal Opportunity policies and procedures.

**Postdoctoral Fellow:** A postdoctoral fellowship is an award, usually externally funded, to an individual for the purpose of continued training after receipt of the doctorate. The title of Postdoctoral Fellow can be used only when the associated stipend is intended to support the individual’s own learning and research. The postdoctoral fellow is not performing a service to the University and, therefore, cannot be considered an employee.

Postdoctoral Fellows – “true fellows” (under IRS Rules and with restrictions imposed by such federal agencies as NIH and NSF that may prohibit compensated work as a supplement to the stipend award) are subject to the policies governing

students at the university and are not employees of the University subject to day-to-day direction.

If the terms of the award to a Postdoctoral Fellow allow the appointee to take some part-time work to supplement his or her fellowship stipend, the candidate must, in addition to the basic appointment, be appointed as a Research Assistant, Research Associate or Research Assistant Professor.

**Research-track Appointments** – This policy does not apply to research-track appointments as defined in [TBR policy 5:02:07:10](#) (Faculty Appointments in Universities). Appointment of such positions, whether designated as Research Assistant Professor, Research Scholar, Visiting Research Faculty or the like, are to follow TBR policy and regular TTU policy regarding employment procedures.

### **36.3 Salaries**

The salaries of Postdoctoral Research Associates are set by the faculty mentor in conjunction with the department head and academic dean. The annual salary may not be below the department's highest salary paid to a graduate research assistant and may not exceed the department's lowest salary paid to a full-time tenure-track faculty member. Postdoctoral Research Associates are staff employees of the University and at anytime during the appointment are eligible for supplementary compensation at the discretion of the dean and the faculty mentor.

### **36.4 Benefits**

Postdoctoral Research Associates, as employees of the University, are entitled to the same benefits as benefit eligible staff with the exception of tuition assistance. In compliance with TBR and university policy, as regular employees, Postdoctoral Research Associates are eligible for full employee benefits, including health insurance and retirement. The state-supported retirement system includes a portable optional retirement program, suitable for researchers on grant funding.

Postdoctoral Research Associates on annual contracts are not eligible for TTU merit, across the board or equity adjustments.

### **36.5 Privileges and Obligations**

As employees of the University, Postdoctoral Research Associates are eligible to use the University's research facilities and offices that are assigned by the faculty mentor or the department. Postdoctoral Research Associates have the obligation to abide by the university's policies. Failure of a Postdoctoral Research Associate to abide by the policies and regulations of the University or the school are grounds for discipline and may result in termination or dismissal.

### **36.6 Search/Advertising**

The University will maintain a standing notice on the HR website (revised every six months) of the opportunity for appointment as a Postdoctoral Research Associate and will refer all applicants to the appropriate department.

The recruitment of a Postdoctoral Research Associate shall conform to normal Human Resources/Equal Opportunity policies and procedures except: 1) advertising requirements are reduced to 14 days in the recommended sources that are approved in the Recruitment Plan, 2) the pool and interview approval process shall be combined and 3) for purposes of postdoctoral appointments, search committees shall be defined as the faculty mentor working with the unit head(s). A Checklist for Postdoctoral Research Appointments is attached and made a part of this policy. The University's policies on non-discrimination must be observed and good faith efforts are to be made to include minorities and females in the selection pool.

**Approval of Applicant Pool** – In accordance with Tennessee Board of Regents Guidelines, candidates considered to be qualified by the faculty mentor and or search committee will be forwarded to the coordinator of Affirmative Action.

Demographic information for all Postdoctoral Research Associates appointed at the university will be recorded on the university's personnel/payroll system. Payments to Postdoctoral Research Associates will be administered through Human Resources / Payroll.

### **36.7 Appointment**

Under the Eligibility To Work Regulation: I-9 Requirement, Postdoctoral Research Associates, regardless of citizenship, may not receive salary from a research contract or grant, or from a department account, without a valid I-9 Form. The Immigration Reform Control Act of 1987 requires a completed valid I-9 form and no exceptions can be made.

Departments must contact the Office of International Students early in the recruitment process when it becomes evident a candidate for a Postdoctoral Research Assistant appointment is not a citizen or permanent resident of the United States. The process of obtaining necessary governmental approval must begin prior to an offer of appointment being made so that it is completed before the first day of employment.

### **36.8 Appointment Offer Letter**

Postdoctoral Research Associates appointed at the university must be issued a University letter that sets forth the terms of the appointment.

The school/college dean must sign the appointment offer letter. The appointment letter must be countersigned by the Postdoctoral Research Associate, received by the school, and filed with the Office of the Provost and Office of Human Resources prior to the initiation of the appointment.

The letter is not an offer of a job. It is a statement of the terms and conditions of the position. The applicant will indicate his/her acceptance of the terms by signing the letter and returning the signed original to the faculty sponsor/mentor.

The Postdoctoral Research Associate applicant must provide a copy of the doctoral diploma or other certification (with translation into English if it is in a foreign language) that indicates that the terminal degree has been completed satisfactorily. If the doctoral candidate has completed but not yet obtained a degree, she or he should provide evidence that a thesis has been approved together with a documented indication of the expected date of formal graduation. It is the responsibility of the faculty mentor to verify this documentation. The documentation is to be filed with the Office of Academic Affairs and the Office of Human Resources. Upon acceptance of the terms and condition of the position, and University approval of the contract, the applicant will be sent a one-year (or less) contract/appointment letter from TTU. Upon signing and acceptance of the contract the Postdoctoral Research Associate would be ready to begin the research program at TTU. Under no circumstances should a Postdoctoral Research Associate begin work until completing all necessary paper work such as I-9 certification, completion of an employment contract and completion of a Personnel Action Form (PAF).

**36.8.1 The appointment letter is to include the following:**

- A.** The laboratory, institute, department or school inviting the Postdoctoral Research Associate to visit;
- B.** The faculty member who will serve as the mentor;
- C.** The term of the appointment, with starting and ending dates;
- D.** The expectation that the Postdoctoral Research Associate will be involved in essentially full-time research or scholarship;
- E.** The university's restrictions on the length of appointment;
- F.** The source of funding, if any, to support the Postdoctoral Scholar's research;
- G.** Whether the appointment of Postdoctoral Research Associate will end at the conclusion of a particular externally funded grant;
- H.** The Postdoctoral Research Associate's monthly salary and benefits;
- I.** A statement that a Postdoctoral appointment is subject to university policies, including the policy defining Intellectual Property rights;
- J.** Confidentiality statement

### **36.9 Length of Appointment and Renewal**

The initial Postdoctoral Research Associate appointment at the university is for a period of one year or less (but not less than 6 months), renewable for 2 additional years with an annual reappointment and new annual employment contract.

Appointments of Postdoctoral Research Associates should not exceed three years, unless approved in advance by the Provost. Since the budget period of an external research or training grant may overlap with the University's academic year, the termination date is the earlier of the appointment year, or the time when the funding of the award is exhausted and not renewed by the awarding agency.

There is no obligation to renew an appointment.

If the Postdoctoral Research Associate wishes to remain at TTU at the conclusion of three years, he or she must go through the normal TTU competitive hiring process for staff or faculty positions.

### **36.10 Notice of Non Renewal of Appointments**

Postdoctoral Research Associates who are not to be re-appointed shall be notified in writing by their sponsor/mentor and given reasonable time (at least thirty days advance notice), but whether or not such notice is given, the appointment ends on the designated date or on June 30 if no date is designated. In addition, appointments may be prematurely terminated without cause at the discretion of the dean of the school, after consultation with the mentor, on thirty days notice.

Postdoctoral Research Associates are eligible to serve as co-principal investigators on grant applications, but may not be principal investigators unless a specific waiver and approval is granted upon recommendation by the department and approval of the appropriate dean of the school.

**Intellectual Property** – Terms and conditions spelled out in the University's Intellectual Property Policy

### **36.11 Ancillary Teaching Assignment**

Postdoctoral Research Associates may receive a concurrent part-time, non-tenure track faculty designation and, if so, may engage in limited teaching, but only as an ancillary responsibility, and only in strict accordance with the Faculty handbook. If a Postdoctoral Research Associate is granted a teaching assignment, he or she may teach no more frequently than one course per academic year.

If extraordinary permission is granted by the Provost to teach more than one course per year, in no case will a Postdoctoral Research Associate teach more than one course a semester. A Postdoctoral Research Associate may not teach more than a total of four courses while at the University, unless special permission is obtained from the provost.

### **36.12 Responsibility to Monitor**

The Office of Academic Affairs and the Associate Vice President for Research and Graduate Studies shall have responsibility for monitoring policies to assure consistent application throughout the University.

# Tennessee Technological University

## Checklist for Postdoctoral Research Appointments

### STEP 1

**Approval to Advertise and Fill Position.** A request to advertise and fill a particular position should be initiated in the department where the need exists. Approval Flow: Director/Department Chair, Dean/Administrative Officer, VP, HR (initial review), Affirmative Action, HR (final review/posting). Request should be initiated on <https://jobs.tntech.edu/hr>. Needed information: Position Title, department, index number, position number, type of position (full-time, part-time, etc), essential functions, qualifications (minimum required and preferred), required applicant documents (cover letter, CV, transcripts, etc), advertising plan detailing how the position will be advertised including circulation and distribution, and search committee members. An abbreviated newspaper ad version of the position must be electronically uploaded to the system. All postdoctoral research positions must be advertised for a minimum of 14 calendar days from the original HR posting date.

### STEP 2

**Pool and Interview Approval.** After the screening/application deadline has passed and the faculty mentor that will supervise the post-doctoral research associate has evaluated the applicants, a memo requesting approval of the applicant pool and permission to interview selected candidates must be sent to the Affirmative Action Officer via the Department Chair/Dean. This approval process requires that the evaluation matrix and any written justification for the choice of interviewees be included. *Applicant materials submitted online should not be sent in paper copy.* The matrix and all ad copy must be electronically uploaded to the online system.

### STEP 3

**Permission to Hire.** Once interviews have been conducted and a candidate has been recommended for hire by the search committee, a memo requesting approval to hire the candidate of choice and supporting documentation should be submitted to the Human Resources Director, via the Department Chair/Dean, Affirmative Action Officer, and Vice-President of Academic Affairs. This memo should be accompanied by: **1) Completed PAF** (Personnel Action Form), **2) Verification of Affirmative Action Data for Appointment form**, **3) all other related paper copies of votes (if applicable), etc.**

### STEP 4

**Making an Offer.** No commitment can be made, nor can any position be offered to a candidate until all approvals have been granted. Once approvals have been granted and the position can be officially offered, a representative from the Human Resources office will notify the department of the approval to hire. Official transcripts for the highest degree earned are required for all postdoctoral research positions.

### STEP 6

**Notification of Applicants.** A representative from the Human Resources office will notify all applicants via email when the position has been filled.

# Employee Academic Credentials Policy and Requirements

## 37.1 General Statement

The Office of Human Resources maintains official employment records for all employees. These files must contain official academic transcripts where applicable as specified below. The Office of Academic Affairs will coordinate the credentialing process for faculty between Academic Deans, Chairs, and the Office of Human Resources.

## 37.2 Administrative and Support Staff Credentials

Administrative and support staff employees are required to provide official transcripts that document their academic credentials for the highest degree earned and other appropriate documents that provide evidence of other credentials required for their position to the Office of Human Resources, on or before beginning employment. If such documents have not been received by the beginning date of employment, the employee must show proof that such documents have been applied for, and the Office of Human Resources will verify the credentials while awaiting receipt of official documents. The University may, at its discretion, also require employees to provide evidence of all credentials listed on their resumes, asserted on their employment applications, or claimed during the interview process. Acquisition of credentials shall be the financial responsibility of the employee.

## 37.3 Faculty Credentials

SACS (Southern Association of Colleges and Schools) requires all accredited institutions to keep on file, for all full-time, part-time, and adjunct faculty members, documentation of academic preparation, such as official transcripts and, if appropriate for demonstrating competence, official documentation of professional and work experience, technical and performance competency, records of publications, certifications, and other qualifications. Departments and/or colleges are responsible for ensuring that individuals recommended for hire arrange to have official transcripts for all degrees conferred sent directly to the Office of Academic Affairs upon acceptance of an offer of employment from the department. Official transcripts must be on file in the Office of Academic Affairs in order for an employment contract to be prepared and the hire finalized. Acquisition of credentials shall be the financial responsibility of the employee.

Official transcripts must be on watermark paper or must contain an official stamp; they cannot be “issued to student.” Copies should be maintained in the

departmental personnel files. This policy also applies to graduate teaching assistants who are lead instructors.

### **37.4 International Credential Requirements**

Transcripts from international higher education institutions should be official and should include English translation where necessary. In all cases, requests should be made to the international institution for official transcripts. If, however, official transcripts are unavailable, the employee should obtain a letter of denial and submit it along with notarized copy of the international transcript(s) to Human Resources or the Office of Academic Affairs, as appropriate. Exceptions to International Credential Requirements are to be made in writing by the Office of Academic Affairs.

## **Exhibits**

[\[Click Here For Exhibits\]](#)