



# **FACULTY & STAFF HANDBOOK**

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## ACADEMIC AFFAIRS POLICIES

Find Academic Affairs Policies at <http://www.nsc.edu/academic-affairs-policies>.

## **FACULTY AND STAFF HANDBOOK PURPOSE AND NASHVILLE STATE COMMUNITY COLLEGE'S MODIFICATION PROCESS**

The Faculty and Staff Handbook of Nashville State Community College, subsequently referred to as the Handbook, contains policies and procedures to be employed in the implementation of applicable activities deemed necessary to achieve the mission of the college. The Handbook serves as a general guide for administrators, faculty, and staff. The policies and procedures included in the Handbook shall be in compliance with Federal, State of Tennessee, and Tennessee Board of Regents laws, policies, procedures, and guidelines. Where there is conflict in policies or procedures cited in the Handbook with those of Federal regulations, State of Tennessee, or Tennessee Board of Regents, the following shall be the order of compliance: Federal regulations, State of Tennessee, Tennessee Board of Regents, and lastly, Nashville State Community College.

The Handbook may be accessed through NSCC's web page. Proposals for change are to be made with adequate time for consideration by all areas of the college, following the procedures below.

**(1) Initiation of Proposals for Policy and Procedure Change.** Proposed policy and procedural changes may be initiated by an employee(s) of the college at any level. The proposals are to be submitted by the employee(s) involved to his/her superior(s) for review. The department head/director is to review campus-wide ramifications of the proposal and forward recommended action to the appropriate vice president who presents the recommended change to the Executive Committee. Proposed policy and procedural changes may also be initiated through the Faculty Senate, Staff Assembly, or Administrative Assembly and submitted directly to the Executive Committee.

**(2) Analysis by the Executive Committee.** After the proposed change(s) has been presented to the Executive Committee and initial discussion completed, the Executive Committee members are to communicate the proposed, substantive policy and/or procedural change(s) to their constituencies for consideration. Executive Committee members should maximize the opportunity for input before final consideration.

**(3) Executive Committee Approval and Recommendation to the President.** After taking into account the input conveyed to the Executive Committee by each area's representative, the Executive Committee shall vote on the proposed change(s). Since the President holds responsibility for policy and procedures of the college, the President shall make the final decision on adoption of any change.

**(4) Timely Dissemination of Approved Changes.** The President notifies the Executive Committee of his action as soon as possible through the minutes of the Executive Committee. The Office of Human Resources will revise the Handbook and disseminate revisions throughout the college in a timely manner.



## **NASHVILLE STATE COMMUNITY COLLEGE STATEMENT OF MISSION**

The mission of Nashville State Community College is to provide comprehensive educational programs and partnerships, exemplary services, an accessible, progressive learning environment, and responsible leadership to improve the quality of life for the community it serves. The college serves a broad geographic area comprised of Davidson, Cheatham, Dickson, Houston, Humphreys, Montgomery, and Stewart Counties.

Nashville State offers associate degrees and certificates that prepare students to think and perform well whether entering the workforce or transferring to a university upon graduation.

## **GOVERNANCE AND ORGANIZATION**

### **I. System of Governance**

See TBR Policy 1:01:00:00 and TBR Appendices for additional information on governance and organization.

### **II. Tennessee Board of Regents (TBR)**

- A. **Purpose.** See TBR Policy 1:02:01:00.
- B. **Duties of the Board.** See TBR Policy 1:02:02:00.
- C. **Board Members.** See TBR Policy 1:02:04:00.
- D. **Board Committees.** See TBR Policy 1:02:06:00..

### **III. Tennessee Higher Education Commission (THEC)**

See TBR Policy 1:05:00:00

### **IV. Institutions of TBR System**

See TBR Policy 1:03:01:00.

## **V. President**

A. **Duties.** See TBR Policy 1:03:02:00.

B. **Selection/Retention.** See TBR Policy 1:03:03:00.

## **VI. Lead Institution**

Nashville State serves as the lead institution for the Tennessee Technology Center/Nashville and the Tennessee Technology Center/Dickson. See TBR Guideline G-110.

## **COMMUNICATIONS AND STANDING COMMITTEES AT NASHVILLE STATE**

Effective communication enables all employees to have an understanding of the organization and their part in it. Communication has a direct link to job satisfaction, productivity, efficiency, human resource management, career development, and, ultimately, our service to students and the business community.

Each member of the faculty, staff, and administration is responsible for establishing and maintaining information flow and communication in all facets of work, with fellow employees, students, visitors and prospective students, vendors and suppliers, and other business publics. Recognizing that communication is a two-way process, each individual should strive for clarity and accuracy when sending and receiving information and should take a proactive role in the communication process. One method of assuring good communication is to use the many channels available to us at Nashville State. These include:

### **Handbooks and Manuals**

Faculty and Staff Handbook  
Tennessee Board of Regents Policy and  
Guidelines

## **Publications**

Catalog	Online annual publication of curriculum and policies
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## **Committees**

Executive Committee  
Assessment and Planning Council  
Computer Resource Committee  
Curriculum Committee  
Environmental Concerns Committee  
Advisory Committee on Patents and Copyrights  
Grievance Committee  
Grade Appeal Committee  
Graduation Committee  
Faculty and Non-faculty Sick Leave Bank Committees  
Technology Access Fee Committee  
Campus Charitable Solicitation Committee  
Faculty Promotion Review Committee  
Faculty Tenure Review Committee  
Program Advisory Committees  
Online Learning Committee  
Recruiting and Marketing Committee  
Retention Committee

## **Other**

Bulletin Boards  
Electronic Mail  
New Employee Orientation  
Open Forums/General Assembly  
Social Media

## COMMITTEES

### I. Executive Committee

**Purpose** To review and recommend to the President institutional policies and procedures of major significance and to receive reports from subordinate committees.

### II. Assessment and Planning Council

**Purpose** To provide leadership and oversight for key assessment and planning processes, including:

- Development of the College's Strategic Five-Year Plan;
- Preparation of the annual Strategic Plan Update;
- Development of annual Assessment/Performance plans;
- Reviewing results of annual Assessment/Performance indicators;
- Recommending Budget priorities based on Assessment results;
- Monitoring preparation for SACS reaffirmation reviews; and
- Evaluation of the campus planning and assessment processes.

The Assessment and Planning Council serves as the leadership body and the point of consensus in a campus-wide process of identifying and analyzing issues of strategic importance to the campus. Through the Council, the President receives recommendations for planning and budget allocation priorities.

The Council appoints ad hoc committees or subcommittees as appropriate for completing its work. The Council reports to the Vice President for Academic Affairs.

### Council Composition:

Council members are appointed by the Vice President for Academic Affairs to serve a two-year term. One reappointment is possible. Terms will be staggered to ensure continuity. In March, The Vice President for Academic Affairs accepts recommendations for membership from the Faculty Senate, Administrative Council, Staff Assembly, and President's staff. In order to ensure diversity and broad-based representation, the Senate selects half of the faculty members and the Vice President for Academic Affairs selects the other four from a Faculty Senate list of nominees. Council members may be reappointed, but there should be opportunities for new appointees each year.

### Council members include:

- Assistant to the Vice President of Academic Affairs for Planning and Assessment, Chair and permanent member
- Two Administrative Council Representatives
- Two Staff Assembly Representatives
- One member of the President's Staff
- SGA President
- Eight faculty members, four (4) of whom are chosen from Faculty Senate recommendations and four (4) by the VPAA

## III. Computer Resource Committee

**Purpose** This committee is empowered and encouraged to create special subcommittees made up of faculty and staff with unique technical skills and expertise who will research, study, and make proposals to the Computer Resource Committee concerning technical matters and issues. The subcommittees will be ad hoc and temporary in nature. Responsibilities include: 1) helping the college achieve the most beneficial and cost effective utilization of computer resources; 2) managing and monitoring network planning, establishing institutional standards for computing, and serving as the liaison with external bodies; 3) monitoring and insuring compliance with institutional standards for computer related expenditures in excess of \$5,000; and 4) establishing and monitoring institutional computing and network priorities.

#### **IV. Environmental Concerns Committee**

**Purpose** This committee addresses appropriate environmental issues related to Nashville State. It works closely with the White Bridge Neighborhood Association and other community groups as necessary, recommending campus policies and procedures related to the campus environment. Subcommittees include: Education, Public Relations, Recycling, Purchasing, Physical Environment, Solid Waste, and Hazardous Materials.

The committee is composed of volunteers and includes the director of Facilities and Safety, or his/her designee, and representatives from Purchasing, Public Relations, and other related areas.

#### **V. Advisory Committee on Patents and Copyrights**

**Purpose** To meet as needed to review campus patents and copyrights as required by TBR.

#### **VI. Faculty Promotion Review Committee**

The division Dean and, where appropriate, the off-campus Director will send the candidate's promotion application to the VPAA for distribution to the Campus-wide Promotion Review Committee. The Promotion Review Committee will consist of twelve members, two representatives elected from each division, and two representatives from the Faculty Senate. Members of the Promotion Review Committee must have gone through the promotion process at least once at NSCC. Members will serve staggered, two-year terms. Division Deans are not eligible to serve on this committee and no faculty member will serve on both the division and college-level promotion committees at the same time. In addition, one committee member from an off-campus site may be selected for the

Promotion Review Committee, as appropriate. The members of the Promotion Committee will be elected by the Faculty Senate and the academic divisions. No individual may serve on both the Promotion and Tenure Committees in the same year. The committee submits all applications, along with the Committee's recommendations, to the Vice President for Academic Affairs.

## **VII. Faculty Tenure Review Committee**

The Tenure Committee considers the applications of faculty members recommended for tenure by the academic departments and deans/directors. The Tenure Committee consists of five, tenured faculty members elected from each of the five academic divisions for two-year terms: Business and Applied Arts; English, Humanities and Arts and Languages; Social and Life Sciences; Mathematics and Natural Sciences; Computer and Engineering Technologies. In addition, one faculty member is elected by the Faculty Senate for a one-year term. No academic division administrators are eligible to serve on this committee. In the spring of each year, nominations for the Tenure Committee will be received from the Faculty Senate. The members of the Tenure Committee will be elected by the Faculty Senate and the academic divisions. No individual will serve on both the Promotion and Tenure Committees in the same year. The committee submits all applications, along with the committee's recommendations, to the Vice President for Academic Affairs.

## **VIII. Program Advisory Committees**

Each degree and certificate program at Nashville State has an advisory committee. These committees serve an important communication link between Nashville State and business/industry. Through the advisory capabilities of the committees, faculty and staff have access to updated information on technical training needs, changing technology, job market needs, and other information

vital to the various programs. The advisory committees play a significant role in the college's development activities and also provide assessment of the economic outlook for Nashville and Middle Tennessee.

Advisory committee members are appointed by the respective program coordinators and/or program faculty and with the support of the appropriate dean/director. Generally, each advisory committee consists of nine to twelve members who serve a three-year period, with one-third of the members being replaced annually. Before an individual can be reappointed to a committee, he or she should have been off the committee for at least one year. Although these committees do not possess formal authority, they advise the college of current and anticipated skill needs of local businesses, industries and those responsible for developing the educational programs of the college.



## COUNCILS AND ASSEMBLIES

### I. Faculty Senate

The purpose of the Faculty Senate shall be to represent faculty interests and to speak for faculty member constituencies during institutional and faculty decision-making processes. The Senate consists of a chair, chair-elect, senators from faculty constituency groups, and two at-large senators. See Appendix 1 for the Faculty Senate Constitution and Bylaws.

### II. Staff Assembly

The Staff Assembly: All regular full-time and part-time staff appointed positions as defined by the Federal Government's Equal Employment Opportunity classifications: some EEO-3 – Professional Non-Faculty, EEO-4 – Clerical, EEO-5 – Technical and Para-Professional, EEO-6 Skilled Crafts and EEO-7 – Service and Maintenance are voting members of the Staff Assembly. The Staff Assembly meets monthly and other times as necessary. The officers of the Staff Assembly, a Chair, Chair-elect, Secretary, Secretary-elect, Parliamentarian, and Budget Committee Chair are to be elected from among the voting members of the Staff Assembly. The committees of the Staff Assembly are the Program/Activities, Budget, and Professional Development. The Constitution of the Staff Assembly, subject to the approval of the President, governs the Staff Assembly. See Appendix 2 for the Staff Assembly Constitution and Bylaws.

### III. Administrative Assembly

The Administrative Assembly shall consist of all regular full-time and part-time administrative personnel who are not members of the Staff Assembly, Faculty Senate, or a permanent member of the Executive Committee. The committee shall meet monthly. The elected Chairperson of the committee shall serve on the

Executive Committee. The purposes of the Administrative Assembly shall be a) to provide a means for the administrative staff to share information and to discuss matters of mutual interest, b) to provide a means to communicate ideas and concerns to the Executive Committee, c) to provide support to the institution through representation on campus committees, and d) to provide a means for the administrative staff to participate in the development of policies, procedures, and plans. See Appendix 3 for the Administrative Assembly Constitution and Bylaws.

## **Nashville State Foundation**

The Nashville State Foundation is a 501(c)(3) organization that exists to provide support for Nashville State's students, faculty and staff. Funds raised by the Nashville State Foundation support campus needs such as student scholarships, facility improvements and other needs as they arise.

The Nashville State Foundation is governed by a Board of Trustees composed of volunteers from across Nashville State's primary service area. These Trustees each serve three-year terms, act as advocates for Nashville State in the community, and assist in fundraising and other development activities.

Support for the Nashville State Foundation is solicited from the business community, alumni, and employees and is vital to the continued growth and excellence of the institution. For more information, please contact the Executive Director of Development and Public Affairs at x3604 or by email at [foundation@nscc.edu](mailto:foundation@nscc.edu).

## SOLICITATION & ACCEPTANCE OF GIFTS

The following policy conforms to TBR Policy No. 4:01:04:00 on Solicitation and Acceptance of Gifts.

### I. General Statement

Nashville State recognizes the importance of gifts to the college that are consistent with its mission and that help to reach its goals.

### II. Solicitation of Gifts

- A. The President shall designate those persons authorized to approve and conduct activities for the purpose of soliciting gifts to the college.
- B. Solicitation of gifts which may require a commitment of college resources must be approved by the President.
- C. An annual development plan, outlining specific activities for the year, shall be prepared by the Executive Director of Development and submitted to the President's staff for approval.

### III. Acceptance of Gifts

- A. Gifts to the college may be accepted only by the President, Vice Presidents, Executive Director of Development, and the Comptroller.
- B. Certain gifts must have the approval of the Tennessee Board of Regents and/or the Chancellor:
  - 1. Only the Board and/or Chancellor may accept a gift if Board and/or Chancellor's acceptance is a condition set by the donor.
  - 2. Only the Chancellor and Board may accept gifts of real property.

- 3. The State Building Commission must approve any real property gift which obligates the college, the TBR, or the State of Tennessee to expend state funds.
- C. Gifts-in-kind must have prior approval of the Executive Director of Development or Comptroller. An employee who is offered an in-kind gift for the college must complete an "In-Kind Donation to Nashville State" form and obtain the designated signatures prior to obligating the college to accept the gift. An exception to this policy is the college's library which may accept published materials.
- D. Corporate stock given to the college may be sold by the college through or in consultation with a registered securities broker within 60 days of receipt of the stock certificate, and the sale may be executed by the President or a designated representative.

#### IV. Records and Reporting

- A. A record of all gifts to the college, including supporting documents such as donor letters, shall be maintained in the office of the Foundation or the office of the Comptroller. The library will provide the office of development each semester with a list of books received, the donor, and value of the accepted materials.
- B. A summary of all gifts to the college during a fiscal year shall be included in the college's annual report to the TBR.

#### V. The Nashville State Foundation

- A. The college may not accept gifts specifically intended for the Foundation, and only gifts specifically intended for the Foundation may be accepted

by the Foundation. Gifts specifically intended for the College may be accepted by the Comptroller.

- B. In general, college resources may not be used to meet conditions of gifts to the Foundation; however, exceptions may be approved by the President or the Chancellor in accordance with the provisions of this policy on acceptance of gifts.
- C. The Foundation Office shall maintain records of gifts to the Foundation separate from those of gifts to the college. The Comptroller shall maintain gifts to the College.
- D. A summary of all gifts to the Foundation and to the College during a fiscal year shall be included in the college's annual report to the TBR.

#### VI. Fundraising Guidelines

- A. Only those donations, whether cash or in-kind, which are consistent with Nashville State's mission and goals should be solicited and/or accepted.
- B. Cash Donations.
  - 1. Cash donations received by any office of the college should be forwarded to the Foundation Office, along with any supporting documents such as donor letters. The Foundation Office shall record the gift and turn in the funds to the Business Office for deposit.

The Foundation Office shall maintain separate accounts for unrestricted and restricted gifts. Donations restricted for student financial assistance shall be transferred to the appropriate accounts. Other restricted funds shall be maintained by the Foundation Office for use as needed by the appropriate area in

order to maintain a centralized record of the use of donated monies.

2. Cash donations received from faculty and staff during a campus campaign shall be received by the Foundation Office and recorded daily. The Foundation office will process such gifts on a daily basis and make daily deposits in the bursar's office as necessary. All gifts shall be acknowledged in writing by the Foundation Office.
- C. Faculty and staff have the option of making their donations to the college and/or its Foundation through payroll deduction.
1. The Development Office shall maintain copies of the payroll deduction pledge cards and keep a record of these contributions.
  2. The original payroll deduction pledge cards shall be submitted to the Payroll Office in June prior to the fiscal year during which the deductions begin.
  3. Generally, the employee's paycheck stub shall serve as a receipt. However, all gifts will be acknowledged in writing by the Foundation Office upon receipt of the pledge and a completed pledge agreement.
- D. All in-kind gifts must have approval prior to the acceptance of the gift. This pre-approval process allows the receiving department/division and the appropriate supervisor to consider the importance of the gift and any obligations it may impose upon the college.

Any Nashville State employee considering the acceptance of an in-kind gift should follow these steps:

1. Obtain an "In-Kind Donation to Nashville State" form from the Foundation Office or the Comptroller's Office.
2. Complete the form, including the value of the gift and the receiving department/division's FOAPAL, and obtain the appropriate vice president's signature.
3. Submit the form to the Foundation Office or Comptroller's Office for approval before accepting the gift.
4. Sign the form after the gift has been received and return to the Foundation Office which maintains a file of all in-kind gifts to the college.
5. The Foundation Office or Comptroller's Office will prepare a letter of acknowledgment to the donor.

If a company offers an in-kind gift in exchange for advertising space on said gift, a contract specifying the conditions of the gift must be drawn up by the company and approved by the chain-of-command and the Executive Director of Development. Advertising may only be displayed in public or lounge areas of the college. Contracts must be renewed every two years.

E. Gifts to the Nashville State Foundation



1. Gifts, both cash and in-kind, to the Nashville State Foundation may be received by the Foundation's Chair, Secretary, and/or Treasurer. Information on all such gifts shall be forwarded to the Foundation Office in the form of copies of checks, donors' letters, receipts, and acknowledgments. The Development Office shall maintain records of gifts to the Foundation separate from records of gifts to the college.
2. The Foundation Treasurer shall maintain a record of all gifts to the Foundation and prepare any reports required or requested.
3. The Foundation Secretary shall acknowledge receipt of all gifts to the Foundation.
4. The offer of in-kind gifts to the Foundation shall follow a pre-approval process similar to the one for the college, with the Foundation Secretary maintaining and recording the appropriate forms.

## CHARITABLE SOLICITATION POLICY

TBR Policy 1:03:02:50 prohibits solicitation on all property owned or used by an institution. There are many reasons for the policy including protecting the academic setting and workplace from disruption.

NSCC's Solicitation Policy applies to affiliated and non-affiliated entities and individuals. It regulates solicitation for commercial and charitable purposes. College affiliated entities and groups are not hampered in their fundraising as long as the funds are collected to meet the expenses of the organization or group. Per TBR policy an affiliated entity is an officially registered student, student group or student organization. Examples are the College's honor society and student government. Faculty senate, staff assembly and administrative assembly are examples of college affiliated groups.

The College does not permit charitable cash solicitations on campus (addition). Charitable solicitations for goods (e.g. food, clothing, shoes, etc.) are permitted if approved by the Campus Fundraising Committee. The College must treat all charitable entities, regardless of the cause they represent, the same and according to policy. Therefore, whether an entity or group is soliciting for the boy/girl scouts, little/big leagues, churches, food banks, etc., the proper authorization must be secured.

College affiliated entities and groups must secure a recommendation from the Campus Fundraising Committee and approval from the Vice President for Finance and Administrative Services before approaching students and employees on behalf of a commercial and/or charitable cause. The Charitable Solicitation Request for Approval forms should be submitted to the Chairman of the Campus Fundraising Committee.

**Affiliated entities may solicit funds without Campus Fundraising Committee approval only for the purpose of meeting their operating expenses. All other solicitations should be coordinated through the Charitable Solicitation Committee.** Student affiliated organizations must obtain

approval through the Dean of Students prior to submitting requests to the Charitable Solicitation Committee.

No affiliated organization can solicit for funds unless they have been authorized to have a fund. Any affiliated organization soliciting for funds without such authorization must cease solicitation immediately. (The affiliated organization has been authorized to have a fund if they have established a restricted or agency account, to which they deposit the funds on the College's financial accounting system.)

**Any individual or group that intends to solicit funds for the NSCC Foundation should first contact the NSCC Development Office. Because the Foundation must comply with all 501C (3) requirements when raising funds, it is imperative that any solicitation be coordinated with the Development Office to insure that all IRS requirements are satisfied.**

For any affiliated entity or group that sells merchandise, sales tax must be charged, collected and remitted in accordance with Tennessee law. For more information, please contact the NSCC Business Office.

Revised on 2/8/2017 to update the mission statement and committee description/membership.

## Finance and Administrative Services

Nashville State Community College is governed first and foremost by TBR Policy and Guidelines which are located at <http://policies.tbr.edu> . Additional information can be found on the NSCC Finance and Administrative Services website located at <http://fa.nsc.edu> .

The following are helpful links:

Subject Name	TBR Policy/Guidelines	NSCC Additional Information
Budget	<a href="#">4:01:00:00/4:01:00:01</a>	<a href="http://fa.nsc.edu/finance/budget">http://fa.nsc.edu/finance/budget</a>
Accounts Receivable	<a href="#">B-010</a>	
Internal Audit	<a href="#">04:01:05:00</a>	
Contracts Administration	<a href="#">1:03:02:10</a>	<a href="http://fa.nsc.edu/finance/contracts">http://fa.nsc.edu/finance/contracts</a>
Property Management	<a href="#">B-110/4:02:20:00</a>	<a href="http://fa.nsc.edu/finance/property">http://fa.nsc.edu/finance/property</a>
Mail Services		<a href="http://fa.nsc.edu/finance/mail-receiving">http://fa.nsc.edu/finance/mail-receiving</a>
Purchasing	<a href="#">4:02:10:00</a>	<a href="http://fa.nsc.edu/finance/purchasing">http://fa.nsc.edu/finance/purchasing</a>
Subscriptions and Memberships	<a href="#">G-080</a>	
Central Receiving		<a href="http://fa.nsc.edu/finance/mail-receiving">http://fa.nsc.edu/finance/mail-receiving</a>
Copy Center		<a href="http://fa.nsc.edu/finance/copy-services">http://fa.nsc.edu/finance/copy-services</a>
Computer Services		<a href="http://fa.nsc.edu/csd">http://fa.nsc.edu/csd</a>
Facilities – Physical Plant		<a href="http://fa.nsc.edu/maintenance">http://fa.nsc.edu/maintenance</a>
Safety and Security		<a href="http://fa.nsc.edu/security">http://fa.nsc.edu/security</a>
Travel and Direct Payments	<a href="#">4:03:03:00</a>	<a href="http://fa.nsc.edu/finance/travel">http://fa.nsc.edu/finance/travel</a>
Grants Accounting		<a href="http://fa.nsc.edu/finance/grants">http://fa.nsc.edu/finance/grants</a>

**Contracts Administration** – The Office of the Vice President of Finance and Administrative Services is responsible for signing and approving all contracts.

## HUMAN RESOURCES

### I. Initial Employment

The President of Nashville State is the appointing authority at the college for all employees other than those designated by the Chancellor. The President may delegate the authority to a designated person or persons at Nashville State provided all appointments and compensation of faculty and administrative personnel shall be subject to the approval of the President. **See TBR Policy 5:01:00:00.**

Nashville State is an Affirmative Action/Equal Employment Opportunity employer. As such, it maintains an Affirmative Action plan, which is updated annually. The plan is available to all employees in the Affirmative Action Public Folder. A hard copy is available in the Office of Human Resources. Detailed procedures for advertising positions and hiring employees are outlined in the Affirmative Action Plan. **See TBR Policy 5:01:02:00.**

### II. Employment Classification

Employee categories include faculty, executive, administrative, professional, clerical, support, and student. Employees may be designated as regular full-time, regular part-time, temporary, or MODFY (Modified Fiscal Year). **See TBR Policy 5:01:01:00.**

See MODFY Contracts – TBR Guideline P-030.

### III. Work Hours

All employees of Nashville State who are considered to be full-time shall work a minimum of 37.5 hours per week, with official workdays of 7.5 hours. Within the requirements of minimum 37.5 hours per week, faculty at Nashville State shall normally be required to schedule 30 hours per week, with an average teaching load of 15–16 credit hours. See TBR Guideline A-052 for assignment of non-instructional faculty time.

**See TBR Policy 5:01:00:00 and TBR Guideline P-020.**

Normal working hours are from 8:00 a.m. to 4:30 p.m., Monday through Friday. Work schedules that vary from normal hours depending on departmental/division needs should be documented on a modified schedule form.

#### **IV. Compensation**

Nashville State is committed to paying equitable and competitive salaries as determined by internal position classification and external market statistics. Beginning salaries are determined by internal salary formulas. **See TBR Policy 5:01:00:00.**

##### **A. Salary Schedule for New Non-Exempt Employees**

1. New employees will receive one year of credit for every three years of non-institutional work experience.
2. Educational achievements (i.e., certificates and degrees) will be counted as years of external work experience for those positions not requiring post-secondary education.
3. A ceiling of seven (7) years should be placed on the credit new employees receive for non-institutional work experience.
4. Regular part-time employees shall be given credit for years of experience as accumulated work hours equate to years of full-time service. Regular part-time salaries will be set by multiplying the full-time salary by the percentage of full-time hours that each employee works.
5. An employee whose salary is above his/her proper range may not be eligible for discretionary salary increases.
6. Employees placed on probation, excluding the initial period of probation, will not be given credit for the probationary period in salary matters.

7. The President and/or the area supervisor (Vice President or Director) may approve exceptions.

**B. Extra Compensation**

Work performed by employees outside regular assignments may receive additional compensation. **See TBR Policy 5:02:04:00.**

**C. Extra Compensation for Full-Time Faculty**

Extra compensation is allowed for services/activities of an extraordinary nature that require an assignment in addition to the employee's full workload and that are entirely outside of his/her scheduled work hours. If the additional assignment must be conducted during regularly scheduled work hours, additional compensatory hours must be scheduled. If the additional assignment occurs during a scheduled class, it is the faculty member's responsibility to arrange for appropriate coverage or make-up of the class. Written plans for such accommodations must be approved in advance by the Dean. Extra compensation must not exceed two credit courses per term.

Rates of pay for extra compensation for faculty:

Professor	\$700 per teaching load credit
Associate Professor	\$650 per teaching load credit
Assistant Professor	\$600 per teaching load credit
Instructor	\$550 per teaching load credit

In the event that compensation at this rate is less than the rate that a faculty member would earn as an adjunct, the extra compensation will be at the adjunct rate. Any exceptions to these regulations must have the recommendation of the Vice President for Academic Affairs and approval of the President. In certain cases, approval by the Chancellor may also be required.

## **D. Faculty Compensation during Summer and Intersessions**

See TBR Policy 5:02:04:10.

## **E. Adjunct Faculty Compensation**

See Academic Affairs section, Faculty Compensation & Pay Schedule.

## **F. Overtime and Compensatory Time for Support Staff**

### **1. General**

For all employees on the service salary schedule, all time actually worked at Nashville State in excess of 37.5 hours per week will be compensated. The rate of compensation is 1:1 from 37.5 to 40 hours worked per week. All hours actually worked over 40 in a week are compensated at the rate of 1.5:1. Although holidays count as time worked, annual and sick leave days do not. Compensatory time may be given as compensation for overtime in lieu of monetary compensation.

### **2. Accrual of Compensatory Time**

An employee may accumulate up to 75 hours of compensatory time after which monetary compensation must be paid.

### **3. Authorization**

Overtime worked must have the prior approval of the immediate supervisor and the person responsible for the affected budget. The forms must be filed with the Office of Human Resources on a monthly basis. The method of compensation must be agreed upon by the employee and the immediate supervisor or appropriate approving authority prior to performance by the employee.



#### **4. Use of Compensatory Time**

An employee may request to use compensatory time at any time. However, supervisors will approve the use of the time as it relates to work requirements. Compensatory time must be used prior to using annual leave.

#### **5. Cash Payment**

An employee may be paid cash for overtime worked during the appropriate pay cycle. A terminating employee will be paid for accumulated compensatory time at the higher of the employee's final rate of pay or the average regular wage rate received during the last three years of employment with Nashville State.

### **G. Employee Leave/Holidays**

- 1. Annual Leave – TBR Policy 5:01:01:01**
- 2. Adoptive Parents Leave – TBR Policy 5:01:01:02**
- 3. Bereavement Leave – TBR Policy 5:01:01:09**
- 4. Civil Leave (Jury Duty) – TBR Policy 5:01:01:05**
- 5. Disaster Service Relief – TBR Policy 5:01:01:17**
- 6. Educational Leave – TBR Policy 5:01:01:13**
- 7. Family and Medical Leave – TBR Policy 5:01:01:14**
- 8. Leave of Absence – TBR Policy 5:01:01:03**
- 9. Leave Transfer between TBR Institutions and State Agencies –  
TBR Policy 5:01:01:06**
- 10. Military Leave – TBR Policy 5:01:01:04**

11. Parental Leave – TBR Policy 5:01:01:08
12. Sick Leave – TBR Policy 5:01:01:07
13. Faculty Sick Leave – TBR Guideline P-062
14. Transfer of Leave between Employees – TBR Policy 5:01:01:15
15. Voting Leave – TBR Policy 5:01:01:12
16. Holidays – TBR Policy 5:01:01:10
17. Days of Administrative Closing/Emergency Closing – TBR Policy 5:01:01:11

#### **H. Sick Leave Banks**

A sick leave bank is established when a group of employees agree to be assessed a specific number of hours for a common pool. From this pool, members may withdraw an amount of hours greater than their individual assessments upon request and approval of sick leave bank trustees. The month of January is the designated annual enrollment period.

**Guidelines/Procedures are available in the Office of Human Resources and in HR Public Folders. Also, see TBR Guidelines P-060 (Faculty Sick Leave Bank) and P-061 (Non-Faculty Sick Leave Bank).**

#### **VII. Benefits**

**Insurance.** A group insurance plan providing hospital and surgical expense benefits, major medical, and life and accident benefits is available to all regular full-time and regular part-time (80% or more) employees. No physical examination is required if application is made at the time of initial employment. Cost of the program is shared by employees and Nashville State.

**Optional Insurance and Other.** Optional special accident, life, dental, long term disability and other plans are available. Also offered are a Flexible Benefits Plan, an Employee Assistance Program, and Savings Bonds.

**Deferred Compensation Plan.** See TBR Guideline P-045.

More benefit information is available on the Human Resources' web page or at <http://www.state.tn.us/finance/ins/ins.html>

### **VIII. Longevity**

See TBR Guideline P-120.

## **IX. Retirement**

General: See TBR Policy 5:01:03:00.

Optional Retirement System: See TBR Policy 5:01:03:03 and TBR Guideline P-040.

For more information: [www.treasury.state.tn.us/tcrs/index.htm](http://www.treasury.state.tn.us/tcrs/index.htm) or  
[www.treasury.state.tn.us/orp/index.htm](http://www.treasury.state.tn.us/orp/index.htm)

## **X. Educational Assistance**

See TBR Policy 5:01:04:10 and TBR Guideline P-130.

## **XI. Other Professional Development**

The institution is committed to continuous improvement of its programs and services. Staff development opportunities are made available to employees to guarantee the required continuous improvement process. Activities and funding for will be evaluated annually.

## **XII. Nepotism**

See TBR Policy 5:01:02:00 and TBR Guideline P-090.

## **XIII. Transfer and Promotion**

See TBR Policy 5:01:00:00 and TBR Guideline P-010.

### **Procedures for Internal Transfer and/or Promotion:**

Qualified, current employees may transfer to open positions. Transfer includes the voluntary movement from one position to another, regardless of the process of the change.

- A. When a vacancy occurs, regular part-time and full-time employees who express an interest in the position will be given first consideration. A regular employee may be directly promoted or transferred with the approval of the President. Administrators who wish to recommend personnel actions of this nature should provide the President with an evaluation of the employee being considered for promotion or transfer.
- B. When a direct transfer or promotion is not recommended and approved, the hiring supervisor must, with prior approval of the President, use internal vehicles to post or otherwise communicate a vacancy to solicit applications from current, regular part-time and full-time employees. Notices should allow a minimum of five days for response. After reviewing the applicant pool yielded by the internal search, the hiring supervisor may recommend a current, regular part-time or full-time employee for the vacancy or may recommend that the search continue outside the institution. Internal and external solicitations may be conducted concurrently for positions that generally yield no internal applicants.
- C. These provisions are intended to provide career mobility and enrichment for the regular part-time and full-time employees of Nashville State. Nothing in this section should be construed as preventing an internal candidate from making application during an external search.
- D. Salaries for internal transfers and promotions of support staff will be determined as follows:
  - 1. The employee's years of experience credited upon initial employment will remain the same.
  - 2. Years of employment at Nashville State will be judged as related or unrelated to the new position. Related will be credited on a 1:1 basis and unrelated at 3:1.
  - 3. The total years of internal experience will be added to those credited upon initial employment. That sum will be used to generate the salary for the position being sought by the employee.

4. In the cases of lateral changes, the employee's salary will be the higher of the formula-driven salary or his/her current salary. In an upward or downward change, the new salary will be formula-driven.

### **Reclassification For Employees in EEO Skill Levels 1–7**

The reclassification process allows either the employee or supervisor access to an orderly system to review the employee's classification in light of job demands. When the duties and responsibilities of a job change significantly, the job should be reviewed for possible reclassification. If the procedure results in a classification to a higher skill level, it constitutes an upgrade. If it is to a lower level, then a downgrade occurs.

When a job is upgraded, the incumbent's salary is elevated to a rate no less than the minimum of the new skill level and no greater than the same relative salary position in the new skill level as the old. If reclassification results in a job at the same skill level or lower, then the employee's salary should not be adjusted.

Reclassification is not appropriate when the justification is driven by any or all of the following: workload, changes in the employee's credentials, use of technology in performing duties, time-in-grade, or any other factor not related to the day-to-day requirements of the job. Reclassifications require approval of the president.

## **XIV. Performance Evaluation**

Nashville State employees are evaluated at the end of each probationary period and recommended for permanent status, extended probation or termination. All full-time employees are evaluated annually. Each employee has the option of completing a self-evaluation form for his/her records and is allowed an opportunity to discuss the evaluations with the supervisor. Current evaluation instruments are available in the Office of Human Resources.

## **XV. Code of Conduct**

### **A. Policy Statement**

It is the policy of Nashville State Community College (NSCC) to require honesty and integrity from every employee in all dealings with the business community, the public, NSCC, and fellow employees.

**B. Purpose**

The purpose of this policy is to institutionalize ethical values and to provide guidance to all personnel in their business conduct.

**C. Responsibility**

All employees of the college are responsible for complying with the code of conduct.

**D. Procedure**

Each NSCC employee has an individual responsibility to deal ethically in all aspects of the College's business and to comply fully with all laws, regulations, and policies. Employees are expected to assume the responsibility for applying these standards of ethical conduct and for acquainting themselves with the various laws, regulations, and policies applicable to their assigned duties.

**E. Honesty and Fairness**

As a fundamental standard, NSCC expects from each of its employees honesty and openness in dealing with others. Employees are expected to accept responsibility for their actions and to report information accurately to fellow employees and managers. Managers have a responsibility to set examples of honesty and fairness in their relationships with employees.

**F. College Records**

All College records and other essential data must be prepared accurately. Preparing an intentionally false or misleading report or record of measurement is considered a serious offense. All college employees working with confidential records and protected information (FERPA, Graham, Leach Bliley, etc.) will maintain the required confidentiality and safeguard the records appropriately.

#### **G. College Funds**

Every employee who has control over College funds (e.g., accounts payable, capital expenditures, payroll, travel and entertainment, etc.) is accountable for such funds. When spending College money, or personal money that will be reimbursed, employees should make sure the expense is warranted and justifiable. Anyone approving or certifying the correctness of any voucher or bill should have reasonable knowledge that the expense and amounts involved are justifiable.

#### **H. Use of College Resources**

Each employee has a responsibility to use College resources, including time, materials, and equipment for business purposes only. College property (such as computers, grounds, building or office equipment, tools, materials, assets and facilities) should not be used by employees for other than College purposes, unless authorized by the President. College property shall not be sold, loaned, given away, intentionally damaged, destroyed, or otherwise disposed of, regardless of condition or value, without proper authorization. Copyright material (including books, articles, computer software programs and tapes) should not be infringed.

#### **I. Gifts, Gratuities, and Favors**

NSCC's business decisions should be made impartially and fairly, and not on the basis of gratuities. Employees should exercise good judgment in deciding whether a gift or entertainment is nominal value.



**J. Entertainment and Hospitality**

Offers of entertainment, hospitality, business courtesies, or favors, no matter how innocent in appearance, may be a source of embarrassment to all concerned. Employees should exercise good judgment and moderation and should accept business courtesies from the public only to the extent that they are in accordance with the Tennessee Board of Regents Code of Ethics Policy (1:02:03:10).

**K. Violations**

Any violation of the basic standards of business conduct will subject an employee to disciplinary action in accordance with TBR and NSCC policies, up to and including dismissal, and criminal prosecution where appropriate.

**XVI. Disciplinary Measures**

- A. Employees are employed on an at-will basis and may be warned, placed on probation, suspended, demoted or dismissed by the appointing authority when deemed appropriate. TBR policy 5:02:03:70 should be consulted regarding termination of tenured or tenure-track faculty. The degree and kind of action is at the discretion of the appointing authority.
- B. Bases for disciplinary action generally fall in three categories.
  - 1. Conduct related to performance of duties.
  - 2. Conduct related to attendance.
  - 3. Conduct which may affect an employee's ability to successfully fulfill the requirements of the job.

- C. Examples of disciplinary offenses. The following causes are examples of situations in which disciplinary action up to and including termination may be imposed. This list is not intended to be exhaustive.
1. Inefficiency or incompetence in the performance of duties.
  2. Negligence in the performance of duties.
  3. Careless, negligent or improper use of Nashville State property or equipment.
  4. Failure to maintain satisfactory and harmonious working relationships with the public and fellow employees.
  5. Habitual improper use of sick leave privileges.
  6. Habitual pattern of failure to report for duty at the assigned time and place.
  7. Failure to obtain or maintain a current license or certificate or other qualification required by law or rule as a condition of continued employment.
  8. Gross misconduct or conduct unbecoming an employee of Nashville State.
  9. Conviction of a felony.
  10. Willful abuse or misappropriation of Nashville State funds, property or equipment.
  11. Falsification of an official document relating to or affecting employment.

12. Participation in any action that would in any way seriously disrupt or disturb the normal operation of the college or that would interfere with the ability of management to manage.
13. Stalking of any Nashville State employee for the purpose of harassment.
14. Damage or destruction of college property.
15. Acts that would endanger the lives and property of others.
16. Possession of unauthorized firearms, lethal weapons, alcohol or illegal drugs on the job.
17. Brutality in the performance of duties.
18. Refusal to accept a reasonable and proper assignment from an authorized supervisor (insubordination).
19. Reporting to work under the influence of alcohol or illegal drugs, or partaking of such on the job.
20. Sleeping or failure to remain alert during duty hours.
21. Betrayal of confidential information.
22. Garnishment of wages for more than one indebtedness.
23. Political activity prohibited by T.C.A. Title 2, Chapter 19 (The Little Hatch Act).

**Corrective Action Process.** The following steps may be followed in the event that disciplinary measures are necessary. Depending upon the nature and seriousness of the offense, corrective action may begin at any step of the process. An applicable form is available in the Office of Human Resources.

### **1. Step 1: Report of Conference**

The employee's immediate supervisor will meet privately with the employee to inform him/her of the specific behavior that is unacceptable. The behavior will be clearly identified, corrective measures will be recommended, and a time by which the situation must be rectified will be set. A written record of the conversation should be forwarded to Human Resources for placement in the employee's personnel file and the employee should be given a copy.

### **2. Step 2: First Written Notice**

The same procedure as for the Report of Conference will be followed, except the employee will be asked to sign the written record indicating that he/she has read and been given a copy of the document. The employee may write his/her comments on the form.

### **3. Step 3: Final Written Notice**

The same procedure as for the First Written Notice will be followed. The Final Written Notice must specify that the consequences of failure to remedy the behavior will be termination of employment.

### **4. Step 4: Termination**

An employee who does not correct his/her behavior after three warnings will be considered for termination if the behavior continues. If twelve months has elapsed since the employee received corrective action, the Corrective Action Procedures may begin at Step 1 (Report of Conversation). In cases involving more serious problems or violations of policy, the process may be accelerated. **Any acceleration must be reviewed with the appropriate Vice President and Director of Human Resources prior to its taking place.**

Occasionally, an employee may be terminated for a single, serious occurrence of behavior or violation of policy without having been previously warned. Such action may be justified when the offense is so severe as to make a warning unnecessary based on the fact that any employee would normally know that such behavior is unacceptable. In this case, the supervisor should suspend the employee with pay pending a complete investigation into the situation prior to termination (see steps below). **Any suspension and/or termination must be reviewed with the appropriate Vice President and Director of Human Resources prior to its taking place.**

**Suspension:** Suspension may take place at any time during the Corrective Action Process. In cases where immediate suspension should occur, the supervisor must:

- a. Inform the Director of Human Resources of the circumstances requiring the immediate suspension.
- b. Advise the employee of his/her immediate suspension, with pay, pending an investigation of the situation.
- c. Direct the employee to immediately leave the premises.

The circumstances requiring the immediate suspension should be thoroughly investigated. The supervisor may make a recommendation for termination to the Director of Human Resources and Vice President based on the outcome of the investigation.

A supervisor may, with the approval of the Vice President and Director of Human Resources, place an individual on suspension without pay for one pay period but not to exceed two pay periods. An employee may be placed on such suspension upon commission of an act that is serious but not so severe as to warrant immediate termination. A suspension without pay entitles the employee to the option of a hearing to be held pursuant

to the Tennessee Uniform Administrative Procedures Act. Legal Counsel should be consulted prior to the imposition of a suspension without pay.

**Probation.** At any time during employment, an employee may be placed on disciplinary probation. An employee completing an initial probation after hire or placement in a new position is subject to having the initial probationary period extended in circumstances deemed appropriate.

In either instance, the supervisor must provide the employee with a notice of probation in which the issues and/or unacceptable conduct is specified, along with expectations and a timeframe within which the conduct or performance must become satisfactory. The notice must also state that failure to comply with the terms of the notice will result in termination.

**Clerical/Support Employees.** Non-probationary clerical and support employees who are terminated, suspended or demoted may file a grievance pursuant to TBR Guideline P-111.

## **XVII. Grievance and Complaint Policy/Procedures**

**A. Purpose.** The purpose of these procedures is to provide a clear, orderly and effective method through which all employees of Nashville State Community College (Nashville State or the college) may process *bona fide* grievances and complaints.

### **B. Statement of Policy and Definitions.**

**Policy.** It shall be the policy of Nashville State to provide an effective process for the resolution of problems arising from the employment relationship or environment. To this end, a formal grievance and complaint procedure shall be established for the use and benefit of all employees. It shall be the responsibility of the administration to publish these procedures and the responsibility of all personnel to know these procedures and follow them explicitly when they are needed. The procedures will be published in

the Faculty and Staff Handbook and made available through the Office of Human Resources. The forms necessary to file a grievance will be available in the Office of Human Resources.

In matters concerning harassment -- sexual, racial, and other -- Nashville State will follow Tennessee Board of Regents (TBR) policies and guidelines (see TBR Guideline P-080).

### C. Definitions.

**Matters Subject to the Grievance or Complaint Procedure.** There shall be two types of matters which Nashville State shall address through these procedures, **a., grievances**, which are subject to committee review, and **b., complaints**, which must be resolved without committee review:

1. **Grievances (Committee Review Available).** An employee may grieve only those matters defined in **a)** through **c)** below. A grievance may result from any action Nashville State has taken against the employee which:
  - a) Violates Nashville State or TBR policy, or involves an inconsistent application of these same policies; or
  - b) Violates any constitutional right. The most likely areas of concern are the First, Fourth or Fourteenth Amendment of the federal constitution when that action hampers free speech, freedom of religion, the right to association, provides for improper search and seizure, or denies constitutionally required notice or procedures.
2. **Complaints (Committee Review not Available).** A complaint is a concern which an employee wants to discuss with supervisory personnel in an effort to resolve the matter. A few examples of complaints are: 1) dissatisfaction with a work assignment; 2) dissatisfaction with an office because it has no windows and everyone

else in the department has windows; 3) a change of shift has been requested for several years, yet an outside person is employed when a position on the desired shift becomes open.

3. **Matters NOT Subject to the Grievance or Complaint Procedure.** Personnel actions, such as performance evaluations, rates of pay, position reclassifications, or position terminations due to reduction in force fall neither under the definition of grievance nor complaint.
4. **Employee(s).** All references to the term, "employee(s)" contained in these procedures include only those individuals defined in this paragraph. Employees shall include administrative, faculty (including full-time faculty on term or temporary contracts), professional, clerical, and support personnel. Probationary employees also are included in this definition. **Not** included in the definition of employee(s) are student workers, adjunct faculty, and temporary workers.
5. **Procedural Assistant.** The Director of Human Resources shall serve as a procedural assistant in filing a grievance by acting as a reference for TBR policies and procedures and Nashville State policies and procedures including the Employee Grievance and Complaint Procedures. The procedural assistant is not an advisor, and no counsel is given by this individual. If a grievance should involve an employee of the Office of Human Resources, the President shall appoint a substitute.
6. **Grievance Committee.** The President of Nashville State shall appoint a grievance committee to hear each grievance, in accordance with the nature of the grievance and with consideration to peer representation. Appointment shall be from a pool of faculty members, recommended by the Faculty Senate, through its chair, and a pool of staff members, recommended by the Staff Assembly, through its chair. This process shall accommodate grievances among faculty,



administrative, professional, clerical, and support personnel. The Grievance Committee shall be advisory and responsible to the President directly in fulfilling its responsibilities.

**a. Faculty Recommendations.** The Faculty Senate shall recommend to the President a pool of no fewer than twelve (12) Faculty Senate members for possible service on a Grievance Committee, to be appointed by the President. Membership in the pool shall be representative of tenured and non-tenured faculty.

**b. Staff Recommendations.** The Staff and Administrative Assemblies shall recommend to the President a pool of staff members for possible service on a Grievance Committee to be appointed by the President. Membership in the pool shall be representative of all the areas of the college. At least four (4) persons shall be recommended from each employment subcategory: Professional and Clerical/Support Personnel.

#### **D. Committee Process**

1. The President shall appoint a committee of three (3) to five (5) members from the pools to hear an individual grievance.
2. The committee shall select a chairperson who is responsible for submitting the written recommendation of the committee to the President.
3. Where a committee member has an interest in the outcome of the grievance, the President will find a suitable replacement for said individual in order to avoid a biased recommendation. The Grievant is entitled to one (1) preemptory challenge.
4. The designated committee shall conduct an independent and thorough investigation. It has the power to receive evidence from the Grievant, gather evidence from other sources, and call witnesses.

5. The committee shall conduct fact-finding by providing a hearing where each witness, including the Grievant, will be interviewed separately. In cases where the committee is being utilized to hear a harassment matter, the committee will allow the parties the right to confront witnesses. 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.
6. The Grievant shall be entitled to be accompanied by an advisor at each step of the grievance procedure. The advisor may not act as an advocate, but may act only as an advisor.

#### **E. Scope and Applicability of Procedures.**

These procedures shall apply to all employees of Nashville State with reference to grievances as set forth in the details above and complaints as set forth in the details above. All employees shall have access to the Grievance and Complaint Procedure. The grievance committee hearing process (established pursuant to said section of this procedure) may be utilized when requested by an employee in the following situations:

- Actions relating to the suspension of employees for cause or termination in violation of an employment contract, which fall under TBR Policy 1:06:00:05 (Cases Subject to the Tennessee Uniform Administrative Procedures Act), or TBR Policy 5:02:03:00, III.16.b.(2) (Suspension of Tenured Faculty).
- Actions involving harassment hearings requested pursuant to TBR Guideline P-080, B.2.
- Complaints initiated pursuant to TBR Policy 5:02:02:00 (Faculty Promotion).

All employees are encouraged to discuss any problem with their respective supervisor or unit (e.g., department, division, branch) head prior to utilizing any grievance or complaint procedure. Every reasonable effort should be made to resolve each grievance or complaint at the lowest administrative level possible.

All personnel are expected to refer to the latest official organizational structure of the college (available in the Office of the President) in determining appropriate personnel for the filing of a grievance or complaint, e.g. immediate supervisor, next higher level supervisor, or branch vice president.

## **F. Responsibility for Implementation**

The President of Nashville State shall have ultimate responsibility for implementation of the Grievance and Complaint Procedures and shall provide the final decision in the resolution of complaints at the institutional level. Grievances shall be appealable to the Chancellor of the Tennessee Board of Regents only where they fit within the parameters of TBR Policy 1:02:11:00. This generally includes all grievances defined above (except those grievances where the individual has filed a lawsuit or claim with a state or Federal administrative body).

No employee shall retaliate or discriminate against another employee because of the latter employee's filing of a grievance or complaint. 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. Supervisors shall be held responsible for ensuring that every employee is free from fear of retaliation, coercion and/or discrimination arising from the employee's filing of or intent to file a grievance or complaint.

## **G. Grievance and Complaint Process**

### **1. Grievances**

**a. Guiding Principles.** All grievances shall adhere to the following principles:

- 1) The grievance, beginning at Step 2, shall be in writing, on the form approved by the President and available in the Office of Human Resources or in HR's Public Folders.
- 2) An employee may not present the same grievance again after it has gone

through the process as indicated herein. If a new grievance arises from a repeated or continuing occurrence of a former one, the time limit for filing a new grievance is from the date of the last such occurrence.

- 3) Implementation of the grievance procedure shall not impact severely the work flow of the college, although employees shall be given the opportunity to pursue grievances during working hours. All parties in a grievance shall have equal access to all persons, places, and official records for information necessary in the determination and processing of a grievance, and all requests for the same shall be made through the Office of Human Resources during normal office hours of the college.
- 4) A grievance may be withdrawn formally by the Grievant at any stage.
- 5) If the Grievant shall fail to meet the time requirements of this process at any stage, the grievance shall be assumed to have been settled. If the respondent should fail to meet a deadline, the Grievant may move immediately to the next step in the process. Upon the written request of either party and for good cause, the President or his/her designee may approve the extension of the specified time period at any stage of the process.
- 6) A copy of each grievance and all pertinent documentation shall be maintained in the Office of Human Resources for at least three (3) years following resolution.
- 7) A grievance which is the subject of an action filed with an external body shall not be processed through this grievance procedure. The term "external body" includes a court of federal/state administrative body, such as the Equal Employment Opportunity Commission, Office of Civil Rights, or Tennessee Human Rights Commission.

#### **b. Steps in the Filing of a Grievance**

##### **1) Step 1. Immediate Supervisor(s).**

- a) An employee shall discuss a proposed grievance with his/her immediate supervisor within fifteen (15) working days after the employee becomes aware of the problem. This meeting will be at the request of the employee and will be considered the initial meeting on the matter. The employee should state at the meeting that the meeting is for the purpose of discussing a possible grievance action, the basis for the proposed grievance, and the corrective action desired in temperate and reasonable terms. The employee and the supervisor(s) shall discuss the proposed grievance in an attempt to resolve the matter in a mutually satisfactory manner. The supervisor(s) shall conduct any necessary or appropriate investigation and shall inform the employee of the decision, based upon the full and fair consideration of all of the facts within fifteen (15) working days of the initial meeting on the matter.
- b) The immediate supervisor of the employee shall ensure that the decision is communicated clearly to the employee. If the employee is satisfied with the decision, no additional action shall be required.
- c) If the employee is grieving initially an action of the immediate supervisor, the employee may begin the grievance process at Step 2.
- d) If the employee is not satisfied with the decision of the immediate supervisor(s) or if the immediate supervisor(s) fail(s) to communicate a decision within fifteen (15) working days of the final decision, the employee may proceed to Step 2 of this process.

**2) Step 2. Next Higher Level Supervisor.**

- a) Within fifteen (15) working days of the decision at Step 1, an

employee may file a grievance at Step 2 with the next higher level supervisor. The proposed grievance -- which shall be in writing on the form approved by the President for this purpose and which shall state the basis for the proposed grievance and the corrective action desired in temperate and reasonable terms -- shall be signed and dated by the employee and by the supervisor(s) who reviewed the grievance at Step 1. The supervisor(s) will attest to the fact that he/she considered the facts as cited in the grievance filed by the employee and made an earnest effort to resolve the matter at Step 1. The Director of the Office of Human Resources will determine whether the matter described in the grievance document is a grievable matter. This decision shall be provided in writing to the employee within fifteen (15) working days of the receipt of the grievance document. If the matter is determined to be a grievance under the definition cited in above, the Office of Human Resources will assign a number to the grievance for reference. If the matter is determined not to be a grievable matter, it will be referred to the Vice President under whom the employee works for final disposition. Copies of the written and signed grievance document shall be filed immediately with the Office of Human Resources.

- b) Following a meeting of the Grievant and the investigating supervisor, for the purpose of discussing the proposed grievance and attempting to resolve it, the investigating supervisor, within fifteen (15) working days of said meeting, shall investigate the matter and -- after considering fully all facts in the matter -- shall render a written decision on the same grievance form.
- c) The investigating supervisor shall ensure that the decision is communicated clearly to the charged party. The grievance form on which the decision is communicated shall be signed and dated both by the investigating supervisor and by the Grievant. If the Grievant is satisfied with the decision, no additional action shall be required. Copies of the grievance form, signed and dated by the Grievant and the investigating supervisor, and all documentation pertaining to the

grievance shall be filed immediately with the Office of Human Resources.

- d) If the Grievant is not satisfied with the decision of the investigating supervisor or if the investigating supervisor fails to communicate a decision within fifteen (15) working days of the final decision, the employee may proceed to Step 3 of this process.

**3) Step 3. Branch Vice President.**

- a) Within fifteen (15) working days of the decision at Step 2, an employee may file a grievance at Step 3 with his/her Branch Vice President of the person whose action(s) are being grieved, using the grievance form used in Step 2 of this process which shall be obtained from the Office of Human Resources or HR's Public Folders.
- b) Following a meeting of the Grievant and the Vice President for the purpose of discussing the grievance and attempting to resolve it in a mutually satisfactory manner, the Vice President, within fifteen (15) working days of the meeting, shall investigate the matter and -- after considering fully all facts in the matter -- shall render a written decision on the same grievance form.
- c) The Vice President shall ensure that the decision is communicated clearly to the employee. The grievance form on which the decision was filed at Step 2 and Step 3 shall be signed and dated both by the Vice President and the Grievant. If the Grievant is satisfied with the decision, no additional action shall be required. Copies of the grievance form, signed and dated by the Grievant and the Vice President, and all documentation pertaining to the grievance shall be filed immediately with the Office of Human Resources.
- d) If the employee is not satisfied with the decision of the Vice President or if the Vice President fails to communicate a decision within fifteen (15)

working days of the final decision, the employee may proceed to Step 4 of this process.

**4) Step 4. President.**

- a) Within fifteen (15) working days of the decision at Step 3, the employee may file a grievance at Step 4 with the President of the college or his/her designee. The grievance form used in Step 2 and Step 3 shall be obtained from the Office of Human Resources or HR's Public Folders by the Grievant and used to file a grievance at Step 4 with the President of the college or his/her designee.
- b) Within fifteen (15) working days following receipt of the Grievant's file, the President of the college or his/her designee will select a Grievance Committee from the applicable pools and will transmit the Grievant's file to the Grievance Committee.
- c) Within fifteen (15) working days following receipt of the Grievant's file, the Grievance Committee in a formal report shall advise the President or his/her Designee of its findings and recommendations, based upon a full, fair and independent investigation and consideration of the facts and circumstances. All documentation pertaining to the grievance shall be filed immediately with the Office of Human Resources.
- d) Upon receipt of the report of the Grievance Committee, the President or his/her Designee may accept the recommendations of the Grievance Committee in whole or in part or may make his/her decision independent of the Committee's findings and recommendation. In either case, within fifteen (15) working days of receipt of the report of the Grievance Committee, the President or his/her Designee shall render a written decision to the Grievant, also providing the Grievant a copy of the report to the Grievance Committee.
- e) The President/Designee shall ensure that the decision is communicated clearly to the Grievant. If the Grievant is satisfied with the decision, no



additional action shall be required.

- f) If the employee is not satisfied with the decision of the President/Designee or if the President/Designee fails to communicate a decision within fifteen (15) working days of the receipt of the report of the Grievance Committee, the employee may proceed to Step 5 of this process. Otherwise, the decision of the President shall be final.

## 5) **Step 5. Appeal to the Chancellor.**

- a) Grievances processed through the Grievance Committee are subject to appeal to the Chancellor of the Tennessee Board of Regents **only** where they fall within the parameters set forth in TBR Policy 1:02:11:00. This generally includes all grievances defined above.
- b) In any case where the President makes a decision that is adverse to the Grievant, the President, in accordance with 5,a above, shall advise the Grievant of his/her right to appeal the decision to the Chancellor of the Tennessee Board of Regents.
- c) In the event the case is eligible for review by the Chancellor, the Grievant shall file a grievance with the Chancellor within fifteen (15) working days of the date of the President's decision. The decision of the Chancellor shall be final.

## 2. **Complaints**

- a. **Guiding Principles.** Resolution of complaints, at a minimum, requires the college to a) allow the employee to present facts and/or materials; b) investigate the dispute; and c) attempt to find a solution. The President or his/her Designee shall make the final decision. Complaints do **not** provide one a right to any type of hearing, adversarial proceeding, or the right to appeal to the Chancellor of the Tennessee Board of Regents. Additionally, all complaints shall adhere to the following principles:

- 1) The complaint, beginning at Step 2, shall be in writing, on the form approved by the President and available in the Office of Human Resources.
- 2) The Complainant shall be entitled to be accompanied by an advisor at each step of the complaint procedure; however, the advisor may not act as an advocate, but may act as an advisor only.
- 3) An employee may not present the same complaint again after it has gone through the process as indicated herein. If a new complaint arises from a repeated or continuing occurrence of a former one, the time limit for filing a new complaint is from the date of the last such occurrence.
- 4) Implementation of the complaint procedure shall not impact severely the work flow of the college, although employees shall be given the opportunity to pursue complaints during working hours. All parties in a complaint shall have equal access to all persons, places, and official records for information necessary in the determination and processing of a complaint and all requests for the same shall be made through the Office of Human Resources during normal office hours of the college.
- 5) A complaint may be withdrawn formally by the initiating employee at any stage.
- 6) If the Complainant should fail to meet the time requirements of this process, at any stage, the complaint shall be assumed to have been settled. If the respondent should fail to meet a deadline, the Complainant may move immediately to the next step in the process. Upon the written request of either party and for good cause, the President or his/her Designee may approve the extension of the specified time period at any stage of the process.
- 7) A copy of each complaint and all pertinent documentation shall be maintained in the Office of Human Resources for at least three (3) years following resolution.

**b. Steps in the Filing of a Complaint**

Steps in the filing and processing of a complaint shall be the same as for a grievance, **except** that a Committee shall **not** be involved in the complaint process and the decision of the President of the college or his/her Designee shall be final; there shall be **no** right to appeal to the Chancellor of the Tennessee Board of Regents.

**XVIII. Outside Employment**

See TBR Policy 5:01:05:00.

**XIX. Termination Of Employment****A. Voluntary (Resignation)**

1. Faculty – Notification of resignation by a faculty member is expected to be early enough to allow arrangements for a smooth and orderly continuance of scheduled classes.
2. Professional – An employee should give adequate notice prior to the effective date of his or her resignation. Ordinarily, this should be at least one month.
3. Support staff – Under normal circumstances, an employee is expected to give two calendar week's notice of termination of employment.

**B. Involuntary Separation**

1. Should budgetary or operational conditions develop requiring the institution to make a reduction-in-force, TBR policy 5:02:06:00 will prevail.
2. When it becomes necessary to terminate regular non-faculty staff due to curtailment of operations, reorganization, or lack of funds, the following

procedures will be observed:

- a. Vice Presidents involved in staff reduction should notify the President of the jobs and incumbents involved before plans are finalized for reduction in force. Employees affected by a reduction in force should be given as much notice as possible. The Office of Human Resources will work with other state and public agencies to assist employees in being considered for other available positions. Every effort will be made to place the affected employees in jobs at other campuses, state agencies, and private employment.
  - b. Non-faculty temporary, probationary, and student employees shall be laid off before regular employees provided that retained regular employees are qualified to assume the duties of the laid-off employees within the working department.
  - c. The President will give final approval to the recommendations for layoff.
  - d. In the event of a restoration of force in the occupational category, affected employees shall be offered the opportunity to fill vacant positions in reverse order of layoff. Should an employee decline the offer of employment to the classification held at the time of layoff, the employee shall lose all right of restoration.
3. An involuntary reduction in rank may occur when the position occupied by an employee has been or is about to be discontinued as a result of lack of funds, curtailment of work, abolishment, reclassification or reorganization. An involuntary reduction in rank is not considered a demotion.

Employees receiving an involuntary reduction in rank do not serve an additional probationary period. The employee's salary may be reduced only to the top level of the service category for the reclassification.

**XX. Reporting Of Changes In Personnel Information**

It is imperative that all personnel records be accurate and up-to-date. Changes in status, such as additional educational certificates, degrees, changes of address, marital status and others, must be reported to the Office of Human Resources. Changes affecting insurance coverage, such as change of beneficiary, and acquiring or losing dependents must be recorded in a timely manner for employees' protection.

**XXI. Personnel Records**

See TBR Policy 5:01:00:10.

**Procedures for Placement, Removal, Reviewing, or Copying of Materials in Personnel File**

It is important to note that, unless specifically exempt by statute from disclosure, anything produced as a result of college business is open to public viewing based on the Tennessee Public Records Act, including personnel files.

**A. Placement**

1. An employee is encouraged to submit papers documenting additional academic or experience credentials. The Director of Human Resources will determine appropriateness of materials for other than job-related exhibits (or items) and will notify the employee in writing if any document(s) is not deemed appropriate.
2. Employees may refute a personnel evaluation by attaching a written explanation or response.
3. The employee should sign, initial, or be otherwise notified of any unfavorable or disciplinary materials placed in the personnel file and

by whom. The employee may attach a written explanation or response.

4. Favorable materials, upon recommendations of supervisor and approval of President or Vice President for area of responsibility, may be placed in the employee's file. The Director of Human Resources will notify the employee of such placements.

## **B. Reviewing and/or Copying**

Personnel records may be viewed and/or copied at no charge for any official Nashville State business-related need.

1. Personnel records may be viewed and/or copied for other than official documented need. Those seeking to inspect records should call 615-353-3304 to schedule a date to do so. The college is required to make records available for inspection within seven business days or explain any delay beyond that or denial of the request to the requestor. Personnel records may be copied with a written request and proof of Tennessee citizenship, and a charge assessed at the rate of \$1.00 for the first page and \$.50 for subsequent pages. Additional charges will be assessed if more than five hours of an employee's time is expended on a particular request.
2. The person whose record is viewed and/or copied will be notified of the person reviewing and, if copies are requested, of the materials being copied. Notification will not be made if the review is being made by an appropriate supervisor or during a routine audit.
3. It is recommended that every employee periodically review his or her personnel file to ensure accuracy and completeness.

## **C. Disposal.** See TBR Guideline G-070.

## **XXII. Intellectual Property**

See TBR Policy 5:01:06:00.

**XXIII. Workplace Violence Prevention**

See TBR Guideline P-085.

**XXIV. Drug-Free Workplace Act**

See Appendix 8.

**XXV. Guidelines for Use of Copyrighted Materials**

See Appendix 10.

**XXVI. Discrimination and Harassment**

See Appendix 13.

## **AFFIRMATIVE ACTION**

Efforts to enhance the Affirmative Action Program at Nashville State Community College continue. It is the intent of Nashville State to fully comply with Executive Order 11246, as amended, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, The Vietnam 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 thereto, to promote and ensure equal opportunity for all persons without regard to race, color, religion, national origin, disability status, age, or status as a qualified veteran with a disability.

The college's Affirmative Action Plan is updated annually, and a copy of the plan is available to all employees in the Office of Human Resources. A copy of the plan, minus statistical data, is available to all employees in Microsoft Outlook in the Affirmative Action Public Folder. The President has appointed the Director of Affirmative Action to serve as the Equal Opportunity/Affirmative Action Officer for the college. The President, Vice Presidents, Deans, and Department Heads are committed to the goals set forth in the plan. Each will work with the Director of Affirmative Action in attaining established goals.

### **I. Title VI**

The college complies with Title VI of the Civil Rights Act that prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving Federal financial assistance. The Director of Affirmative Action serves as the Title VI Coordinator. The college has a Title VI Implementation Plan that is updated annually by the Tennessee Board of Regents. A copy of the plan is available in the Affirmative Action Office.

### **II. Title IX**

The college complies with Title IX of the Education Amendments of 1972 that prohibits discrimination on the basis of sex in educational programs or activities that receive federal financial assistance. For Title IX purposes, discrimination is exclusion from participation in, denial of benefits of, or differential treatment in



any academic, extracurricular, research, occupational training, or other educational program or activity on the basis of sex/gender. Gender equity means equal athletic opportunity for members of both sexes as provided in the law. Sexual harassment is also covered under Title IX. The Director of Affirmative Action serves as the institutional Title IX Coordinator for the campus. The college has a Title IX Implementation Plan that is updated annually by the Tennessee Board of Regents. A copy of the plan is available in the Affirmative Action Office.

### III. The Americans with Disabilities Act

Nashville State complies with the Americans with Disabilities Act (ADA) of 1990, as amended, and Sections 503 and 504 of the Rehabilitation Act of 1973 which prohibit job discrimination because of a disability and require affirmative action to employ qualified individuals with disabilities who, with reasonable accommodations, can perform the essential functions of their jobs. Individuals requiring accommodations should contact the college's ADA Coordinator. They will be required to complete an Employee ADA Self-Disclosure/Accommodations Request form and have their treating physician complete a Certification of Physician form (after reviewing the employee's job description). The Certification of Physician form should be returned from the treating physician directly to the ADA Coordinator. The employee should fill out his/her name, sign, and date the form prior to providing the form to his/her treating physician for completion.

Upon receipt of the Certification of Physician form, a determination will be made relative to the request for an ADA accommodation. **(Appendix 17)**

### V. Harassment

Harassment in any form will not be tolerated at Nashville State. To that end, Nashville State follows as its policy TBR Guideline P-080, Discrimination and Harassment – Complaint and Investigation Procedures (<https://policies.tbr.edu/guidelines/discrimination-harassment-complaint-investigation-procedure>). Other forms of harassment, to be identified by

complainants, will be investigated in accordance with TBR Guideline P-080. The policy is distributed annually to all employees by way of electronic mail, and a copy is available to all employees under the Affirmative Action Public Folder.

#### **VI. Statement of Values – Policy on Sexual Orientation**

It is the policy of Nashville State Community College that neither its students nor its employees shall be discriminated against on the basis of those individuals' 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.

A student who has an academic complaint involving discrimination based on his or her sexual orientation should contact 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 College's EEO/AA Compliance Officer.

#### **PAYROLL**

Please see Payroll Policies and Procedures: <http://fa.nsc.edu/finance/payroll/>

## **II. Pay Schedules**

Please see Payroll Policies and Procedures: <http://fa.nscs.edu/finance/payroll/>

### **III. Leave Requests**

#### **A. Requesting Sick/Annual Leave**

When a regular part-time employee uses annual or sick leave, the leave used must be entered electronically through myNSCC (see Payroll Website <http://fa.nsc.edu/finance/payroll/trainings/>) in order to receive compensation. The following rules must be met in order to use the leave time:

The leave must be a day(s) that the employee is regularly scheduled to work.

The employee must have a leave balance sufficient to cover the time period concerned.

A request for leave must be approved by the supervisor prior to taking annual and immediately following taking sick leave.

When using leave time, the employee should write the type of leave and the number of hours used in the applicable date .

**B. Part-Time Holiday Pay**

Holiday hours are prorated based on total hours worked during the time period. In order to receive compensation for holiday hours, the following rules must be met:

- The holiday must be on a day(s) that the employee is normally scheduled to work both the day before and the day after.
- The employee must work or use leave time the day before and after the holiday.

To receive compensation for a holiday, the employee should write "holiday" on the applicable date space on the time card/sheet. Hours should not be coded for a holiday. Holiday hours are prorated by the payroll section.

See Appendix 15 for the Support Staff Compensatory Time Policy

**IV. Employee Accounts Receivable Collection Policy**

Please see Payroll Policies and Procedures: <http://fa.nscs.edu/finance/payroll/>

## **V. Garnishments**

Please see Payroll Policies and Procedures: <http://fa.nsc.edu/finance/payroll/>

## **VI. Telephone Usage**

Telephone use is for college business purposes only. Telephones are not to be used for personal calls, especially long-distance calls. Personal local calls should also be kept to a minimum because the College has a limited number of outside telephone lines available.

Unauthorized and/or personal long-distance calling at college expense will result in (at minimum) a formal reprimand and repayment of charges to the college. In addition, TBR Guideline B-080 (below) requires that the incident be reported to the TBR as well as the State Audit Office. If unauthorized usage continues, employment may be terminated.

**Constitution  
of the Faculty Senate  
of Nashville State Community College**

**Article I  
Name**

The name of this organization shall be the Faculty Senate.

**Article II  
Purpose**

The purpose of the Faculty Senate shall be to represent faculty interests and to speak for faculty member constituencies during institutional and faculty decision-making processes.

**Article III  
Membership**

Section 1 The Faculty Senate shall consist of the following Senators who represent the bodies from which they have been elected:

1. Senators elected from faculty constituency groups as defined in the by-laws.
2. Two (2) at-large Senators elected from the entire faculty.
3. Chair and chair-elect elected from the entire faculty who will also function as at-large Senators with the duties and responsibilities as outlined below.

Section 2 Terms of office will last two years; Senators may not serve two consecutive terms.

Section 3 Senators shall fulfill the following duties:

1. Represent the interests of his or her constituency group. At-large Senators are charged with representing adjunct faculty as well as faculty as a whole.
2. Attend all regular and called Senate meetings and/or forums.
  - a. If unable to attend a Senate meeting, Senators are required to obtain a substitute for that meeting.
  - b. If a Senator misses more than three Senate meetings in an academic year, without sending a replacement, the membership officer will declare the seat vacant, and see that the constituency group elects a replacement as soon as possible.



3. Communicate with their constituency groups both to keep faculty informed on current issues and to gather input before voting.
4. Serve on college-wide committees as necessary and keep the Senate informed of committee activities.

## **Article IV**

### **Officers**

- Section 1    The officers of the Senate shall be a chair, a chair-elect, the chair-past, a secretary/treasurer, and a membership/election officer. The chair and chair-elect must be tenured faculty members. All officers will serve one term starting at the beginning of fall semester each year.
- Section 2    The chair-elect of the Senate shall be elected by the full faculty. Any faculty member who meets the other listed qualifications may be elected to this position. The other officers shall be elected by plurality vote of Senate members from among the duly elected Senate members. All officers shall be elected by secret ballot.
- Section 3    In the event of a vacancy in any office, except that of chair, chair-past and chair-elect, the members of the Senate shall then fill the office by a plurality vote.
- Section 4    In the event of a vacancy in the office of chair, the chair-elect shall become chair. If the term that the chair-elect would serve is less than one-half year, then the chair-elect shall continue as chair during the next year. The chair shall appoint a Senate member to fulfill the committee obligations of the chair-elect during the remainder of the term. A chair-elect shall then be elected by the faculty at the next election.
- Section 5    In the event of a vacancy in the office of chair-elect, a special faculty-wide election will be called by the election officer.
- Section 6    No Senate member shall hold more than one Senate office at a time.
- Section 7    The secretary/treasurer and membership/election officer can be removed from office by a two-thirds vote of the Senate. The chair and the chair-elect can only be removed by a two-thirds vote of the entire faculty.
- Section 8    In the event of a vacancy in the office of chair-past, the position will remain vacant until the beginning of the next academic year.

## **Article V**

### **Meetings**

- Section 1 The Faculty Senate shall regularly meet once a month during the Academic Year. The exact schedule will be determined by the chair.
- Section 2 Special meetings may be called by the chair. Summer meetings may also be called by the chair as needed. Any Senator unable to attend called meetings will be obligated to send a substitute.
- Section 3 Any faculty member may attend Senate meetings; however, he or she must ask to be placed on the agenda in order to present any problem or suggestion to the Senate for its consideration.
- Section 4 Written minutes of all meetings shall be published and distributed to the faculty in Public Folders, and a hard copy shall be placed in the library.
- Section 5 There will be a call for the agenda seven working days before Senate meetings. A specific agenda will be sent to all faculty members two working days before meetings.
- Section 6 Faculty members on college-wide as well as ad hoc committees will report to the Senate on a monthly basis.
- Section 7 A faculty forum may be called to give faculty members the opportunity to express opinions and discuss issues. No official decisions will be made at these forums.

## **Article VI**

### **Committees**

- Section 1 The chair-elect shall be responsible for coordinating faculty appointments to college-wide committees. If there is more than one faculty representative to a college-wide committee, one of those representatives should be a Senator who will keep the Senate informed about happenings in these committees. If there is no Senator appointed to a committee, then the chair-elect should request that the faculty member(s) on that committee report to the Senate.
- Section 2 Standing and ad hoc committees may be appointed by the chair.

## **Article VII**

### **Parliamentary Authority**

The current edition of Robert's Rules of Order shall govern the Senate in all cases not addressed in this constitution.

## **Article VIII**

### **Amendments**

- Section 1 Proposal of Amendments to this Constitution:

1. Any senator may propose an amendment.
2. At the following senate meeting, a two-thirds vote of approval is required to send the proposed amendment before the entire faculty.
3. There will be a sixty-day period between an amendment's proposal and voting by the full faculty in order to provide adequate time for discussion.

Section 2 A two-thirds vote of approval by the entire faculty is required for the passage of any amendment to the constitution.

Section 3 Amendments to the bylaws may be made by a two-thirds vote of approval of the full Senate. Proposed amendments must be made at least one meeting prior to the vote and circulated to the full faculty at least two weeks prior to the vote.

## **Article IX**

### **Definitions**

Section 1 A faculty member is one who meets one of the following requirements:

1. A full-time Nashville State employee who holds the rank of instructor, assistant professor, associate professor, or professor.

Section 2 A constituency group is a group of faculty members who elect one, two or three of their members to serve on the Faculty Senate. Groupings are established by the Senate and reevaluated regularly in accordance with the Senate Constitution and Bylaws.

**By-Laws  
of the Faculty Senate of  
Nashville State Community College**

**1. Election of Senators**

- A. Senators shall be elected in the Spring for a two-year term and shall take office the following August.
- B. When a constituency group has multiple Senators, they shall be elected in alternate years so that there will be at least one returning Senator at a given time.
- C. The Elections Officer will be in charge of determining which Senate seats need to be filled and making sure that the elections occur in a timely manner. The outgoing Senator may be charged with holding the election to determine his/her replacement and reporting the results back to the Elections officer. If the outgoing Senator is unavailable, then the Elections Officer will conduct the election for that seat.

**2. Officers and Officer Duties**

- A. In addition to the normal parliamentary duties of the officers as prescribed by the parliamentary authority adopted by the Senate, these additional responsibilities shall be performed by the following officers:
  - 1. Duties of the Senate Chair
    - a. The chair shall be empowered to speak for the faculty.
    - b. The chair shall build the agenda for Senate meetings.
    - c. The chair shall conduct regular Senate meetings, called meetings, and forums.
    - d. The chair shall serve on the Executive Committee and in other capacities as specified in the Faculty/Staff Handbook.
  - 2. Duties of the Chair-Elect
    - a. The chair-elect shall speak for faculty interests in the absence of the chair.
    - b. The chair-elect shall conduct regular Senate meetings, called meetings, and faculty forums in the absence of the chair.
    - c. The chair-elect shall serve on the Executive Committee and in other capacities as specified in the Faculty/Staff Handbook.

- d. The chair-elect will coordinate all committee representation needed for the college and Senate as specified in the Faculty/Staff Handbook.
- 3. Duties of the Secretary/Treasurer
  - a. The secretary/treasurer shall keep the minutes of the meetings, distribute the minutes to Senate members, prepare the minutes for distribution to the faculty, and place a copy of the minutes in public folders as well as a hard copy in the library.
  - b. The secretary/treasurer shall keep a record of senators and all those attending Senate meetings.
  - c. The secretary/treasurer shall maintain a current edition of the Senate Constitution.
  - d. The secretary/treasurer shall receive and bank all monies due to the Senate, keep bookkeeping records of such funds, disburse all monies as the Senate may direct, and report all such activities at each Senate meeting.
- 4. Duties of the Membership/Election Officer
  - a. This officer shall oversee membership issues and duties, serve on the membership committee, and maintain current membership rolls of both the Senate and the full faculty.
  - b. The officer shall be in charge of annual and special elections.
  - c. This officer shall see to it that Faculty representatives are elected to the Tenure Committee, Promotion Committee, Curriculum Committee, and as Nashville State's representative to the Tennessee Board of Regent's Faculty Sub-Council as needed. These elections will be held in the Spring for the following year.

**B. Parliamentarian**

- 1. If the chair so desires, he/she may appoint one of the duly elected Senators to act as parliamentarian.
- 2. The parliamentarian shall follow Robert's Rules of Order and maintain time allotments as scheduled on the agenda.
- 3. If no parliamentarian is appointed, then the duties listed above will revert back to the chair.

**3. Meetings**

- A. Senate meetings are scheduled for Wednesday afternoons, time and place set by the chair.

- B. There will be no regular meetings in the summers, but the chair can call meetings as necessary. Senators who will be unavailable for the entire summer should provide the chair with the name of a substitute before the end of spring semester.

#### **4. Committees**

##### **A. College-wide Committees and Representatives**

- 1. Senate Representatives to the Tenure Committee and the Promotion Committee shall be elected by the Faculty as a whole according to the guidelines in the Faculty and Staff Handbook. The elections/membership officer will hold these elections in the Spring.
- 2. The Representative to the TBR Faculty Sub-Council will be elected by the Faculty as a whole in the Spring of odd numbered years to serve a two-year term.

##### **B. General**

- 1. Ad hoc committees shall be appointed as necessary by the Chair.
- 2. All ad hoc committees will report back to the Senate no later than May of the academic year in which they were established. At that time, each committee will be terminated unless it was specifically established for a longer period of time or the Senate votes to extend the life of the committee into the next academic year.

#### **5. Constituency Groups**

- A. Constituency groups must be reviewed at least every five years and approved by the entire Senate.
- B. The divisions can petition the Senate to create an ad hoc membership committee for a reevaluation of a constituency group.
- C. Constituency groups may be changed by a Senate-appointed ad hoc membership committee recommending a change to the full Senate and the majority of the senate voting for the change.
- D. The initial grouping of constituency areas shall follow the Transition Plan.

As of October 2010

**Appendix 2**

**NASHVILLE STATE COMMUNITY COLLEGE Nashville,  
Tennessee  
CONSTITUTION AND BY-LAWS OF THE STAFF ASSEMBLY**

**ARTICLE I: THE STAFF ASSEMBLY****Section 1. Preamble**

WHEREAS the College Staff has the right and obligation to participate fully and actively in all issues pertaining to the governance and development of Nashville State Community College, the Staff Assembly is hereby constituted.

**Section 2. Purposes**

The purposes of the Staff Assembly are:

- A. To provide a forum to discuss matters of concern to the College;
- B. To represent the concerns of the Staff Assembly to the College Administration, and:
- C. To inform and advise the College Administration on matters of mutual concern.

**Section 3. Objectives**

The objectives of the Staff Assembly are:

- A. To foster mutual trust and respect among the Staff, Faculty and Administration of the College;
- B. To effect cooperative efforts to further enhance the stature of the College and its programs;
- C. To maintain systematic and open communication between all constituencies of the College:

- D. To support the College by participating in discussions on issues regarding the governance and development of the College; and,
- E. To foster professional growth for all Staff employees.

#### **Section 4. Membership**

The Staff Assembly shall consist of all regular full-time and part-time staff appointed positions as defined by the Federal Government's Equal Employment Opportunity classifications:

EEO-3 –	Professional Non-Faculty
EEO-4 –	Clerical
EEO-5 –	Technical and Para-Professional
EEO-6 –	Skilled Crafts
EEO-7 –	Service and Maintenance

All EEO 3's who are members of the Staff Assembly as of 6/30/95 may elect to retain their membership in the Staff Assembly. The same may elect to join the Administrative Assembly, thus permanently resigning from the Staff Assembly. All persons hired as or promoted to an EEO 3 after 6/30/95 will have 4 months in which to place their membership in the Staff Assembly or Administrative Assembly unless they are serving as an elected officer of the Staff Assembly. Any officer who is affected may change assembly membership status after their term has expired.

#### **Section 5. Officers**

The Staff Assembly Council shall consist of a Chair, a Chair-Elect, a Secretary, a Secretary-Elect, a Budget Committee Chair and a Parliamentarian.

- A. The election shall be held at the first regularly scheduled meeting in April.



- B. All officers must have completed a minimum of one (1) full year of service with the College in an eligible EEO category with the prior year reflecting active service. Leave-of-absence constitutes inactive status.
- C. Following the initial elections, the Chair-Elect and Secretary-Elect shall assume the positions of Chair and Secretary at the time of the annual elections each year. The remaining offices are filled by the candidate for each office receiving the highest number of votes in the election.
- D. The terms of office of Parliamentarian and Budget Committee Chair are twelve (12) months. The persons holding the positions of Chair and Secretary at the time elections are held may not run for re-election to the same office. The first nominees for Budget Committee Chair shall be the current members of the Budget Committee.
- E. Elected officers of the Staff Assembly shall perform the following duties of the office:

**Chair:** Shall be the presiding officer of the Staff Assembly and Staff Assembly Council, shall be an ex-officio member of all other committees, shall represent the Staff Assembly on the Executive Committee, and shall ad hoc committees with the approval of the Council.

**Vice-Chair:** Shall serve in the absence of the Chair, shall co-represent the Staff Assembly on the Executive Committee, and shall assume the position of Chair at the time of the annual elections, at the end of a one-year term as Chair-Elect.

**Secretary:** Shall maintain and report accurate minutes of all Assembly meetings, shall inform all staff of scheduled meetings, shall maintain the membership list of the Assembly, and shall maintain official files of all correspondence and documents of the Assembly.

**Secretary–Elect:** Shall assist the Secretary in the performance of his or her duties, shall perform those duties in the absence of the Secretary, and shall assume the position of Secretary at the time of the annual elections, at the end of a one–year term as Secretary–Elect.

**Budget Committee Chair:** Shall preside over the functions of the Budget Committee and shall report on those functions to the Assembly.

**Parliamentarian:** Shall insure that all Staff Assembly meetings follow the prescribed Rules of Order, (see Article II, Section 2) and shall rule on any questions of procedure.

- F. If an officer must resign, the officer–elect will automatically assume that position. If an officer–elect is not available, the Chair will nominate the person who was next in line for that position during the last election, if available. If not, then a nomination will be made by the SA council and will be put before the Assembly for approval at the next meeting or via e–mail.

## **Section 6. Ex Officio Members**

- A. The immediate past Chair of the Staff Assembly shall be an ex officio member of the Executive Committee.
- B. The President of the College shall be an ex officio member of the Staff Assembly.
- C. The Staff Assembly may invite any administrative, academic, or staff persons to serve as ex officio members of any committee as is appropriate.
- D. Ex officio members may participate in any deliberations, but may not vote.

## ARTICLE II: RULES AND PROCEDURES

### Section 1. Meetings

The Staff Assembly shall hold regular meetings at least once each month or as needed.

- A. At the beginning of a meeting, the Chair shall declare a quorum when the usual level of attendance is attained.
- B. Staff Assembly meetings shall be open to the public except when closed by a vote of the Staff Assembly.
- C. Only members of the Staff Assembly shall be accorded privilege of the floor, except when the Chair or a two-thirds (2/3) majority of the Executive Committee or a simple majority of the Staff Assembly permit a non-member to address the membership.
- D. The Staff Assembly shall be responsible for a digest of its proceedings. A copy of this shall be kept on file in the library.
- E. Minutes of meetings shall be regularly disseminated through the College electronic mail system and through other College publications when necessary.
- F. Upon a majority vote, the Staff Assembly shall request the President of the College to call a meeting of the General Assembly to present matters which concern the welfare of the Staff and other College constituencies. The Staff Assembly, through its Council, shall present its reports, findings, and/or recommendations to the General Assembly, College President and/or the executive administration.

### Section 2. Parliamentary Procedures

The meetings of the Staff Assembly shall follow Robert's Rules of Order. However, the Staff Assembly reserves the right to adopt its own regulations and/or rules of order as it deems appropriate.

### **Section 3. By-Laws**

By-laws to this constitution can be adopted or rescinded with at least equal notice and two-thirds (2/3) vote of the entire Staff Assembly, by secret ballot.

## **ARTICLE III: COMMITTEES OF THE STAFF ASSEMBLY**

### **Section 1. Organization**

The Chair of the Staff Assembly shall appoint all Committee Chairs with the approval of the Staff Assembly Council, with the exception of the elected Budget Committee Chair. A committee shall consist of its Chair and at least two voluntary members of the Staff Assembly. The Chair of that committee shall appoint members to the committee from the volunteer pool. However, each EEO unit has the right to be represented on any committee. The Chair of the Staff Assembly is an Ex officio member of all committees. All issues referred to Staff Assembly committees shall be addressed and appropriate recommendations made to the Staff Assembly. Committee minutes shall be available to all Staff Assembly members.

### **Section 2. Standing Committees**

Standing committee members shall serve for the duration of that term, unless otherwise specified by a majority of the Staff Assembly. Staff Assembly Standing Committees shall be:

Staff Assembly Council  
Program/Activities Committee  
Budget Committee

**Section 3. Special Committees**

Special committees shall be appointed as deemed necessary by the Chair of the Staff Assembly or two-thirds (2/3) vote of the Staff Assembly Council or a simple majority of the Staff Assembly.

**ARTICLE IV: AMENDMENTS****Section 1. Proposing an Amendment**

Amendments to this constitution may be proposed in writing by any member of the Staff Assembly, provided that a majority of those present concur, or by petition of one-fourth (1/4) of the membership.

**Section 2. Publication of a Proposed Amendment**

The Secretary shall provide a copy of the amendment to each member of the Staff Assembly via electronic mail and shall post the amendment at the circulation desk of the library. The Staff Assembly shall address the amendment at the next regularly scheduled meeting of the Staff Assembly.

**Section 3. Ratification of an Amendment**

Ratification of a proposed amendment shall consist of a two-thirds (2/3) majority vote of a quorum of the Staff Assembly, by secret ballot, and becomes effective upon approval by the President of the College.

## STATEMENT OF ACCEPTANCE

The ARTICLES of the CONSTITUTION OF THE STAFF ASSEMBLY of NASHVILLE STATE COMMUNITY COLLEGE are hereby agreed upon and accepted as written herein, by appropriate authorities, this the tenth month of the 91-92 Fiscal Year, of the 1992 Calendar Year, for perpetuity.

-----  
Chair  
Staff Assembly

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President  
Nashville State Community College

-----  
Date

## AMENDMENTS TO THE CONSTITUTION

- March, 1993      Article I, Section 5.a. has been modified to read: "The election shall be held at the first regularly scheduled meeting in April.
- September, 1995      Article I, Section 4 has been amended to include the following statement: All EEO 3's who are a member of the Staff Assembly as of 6/30/95 may elect to retain their membership in the Staff Assembly. The same may elect to join the Administrative Assembly, thus permanently resigning from the Staff Assembly. All persons hired as or promoted to an EEO 3 after 6/30/95 will have 4 months in which to place their membership in the Staff Assembly or Administrative Assembly.

## ADDITIONS TO BY-LAWS TO THE CONSTITUTION

- March, 1993      Following the April election of officers, the regularly scheduled meeting in May shall be run jointly by both the outgoing and incoming officers, as a transitional device. Any meetings thereafter will be solely under the jurisdiction of the newly elected officers.
- March, 1994      The Chair of the Staff Assembly shall speak for the Assembly whenever it is deemed necessary between the regularly scheduled meetings. The Staff Assembly reserves the right to retract, reword or expand upon any statements made by its Chair if it feels this action is necessary.
- January, 1995      Voting membership of the Staff Assembly shall be determined as follows:
1. All staff members of eligible EEO categories (including temporary part-time employees) are welcome to participate in any functions of the Assembly and may hold the floor at Assembly meetings.
  2. All full-time and regular part-time staff members of eligible EEO categories may vote in all Staff Assembly matters.

**NASHVILLE STATE COMMUNITY COLLEGE Constitution and  
By-Laws of the Administrative Assembly**

**II. Article I: THE ADMINISTRATIVE ASSEMBLY**

**Section 1. Preamble**

Whereas the College Administrators have the right and obligation to participate fully and actively in all issues pertaining to the governance and development of Nashville State Community College, hereafter referred to as “the College”, the Administrative Assembly, hereafter referred to as “the Assembly”, is hereby constituted.

**Section 2. Purposes**

The purposes of the Assembly are:

- A. To provide a forum to discuss matters of concern to the College Administrators.
- B. To represent the concerns of the College Administrators to the Executive Committee.
- C. To provide a means for the College Administrators to participate in the development of policies, procedures, and plans for the College.

**Section 3. Objectives**

The objectives of the Assembly are:

- A. To foster mutual trust and respect among the Administrators, Staff, and Faculty of the College.
- B. To effect cooperative efforts to further enhance the stature of the College and its programs.
- C. To maintain systematic and open communication between all constituencies of the College.
- D. To support the College by participating in discussions on issues regarding the governance and development of the College.
- E. To foster professional growth for all Administrative employees.



**Section 4. Membership**

- A. The Assembly shall consist of all regular full-time and part-time administrative personnel who are not members of the Staff Assembly, Faculty Senate, or a permanent member of the Executive Committee (see Amendments):

EEO-1 Executive Administrator

EEO-3 Non-Faculty Professional

All EEO-3's who are members of the Staff Assembly as of 9/30/01 may elect to retain their membership in the Staff Assembly. The same may elect to join the Administrative Assembly, thus permanently resigning from the Staff Assembly. All persons hired as or promoted to an EEO-3 after 9/30/01 will have four (4) months in which to submit a letter of membership in the Staff Assembly or the Administrative Assembly unless they are serving as an elected officer of the Staff Assembly. Any member who falls into this category may change assembly membership status after their term has expired. (See Section 5, part G.)

- B. Voting membership of the Assembly shall be determined as follows: All full-time and regular part-time Administrative members as defined in Section 4-A may hold the floor and vote in all Assembly matters.

**Section 5. Officers**

The Administrative Assembly Officers Council shall consist of a Chairperson, Chairperson-Elect, a Secretary, a Secretary-Elect, and a Parliamentarian.

- A. The election shall be held at the first regularly scheduled meeting in May. Following the May election of officers, the regularly scheduled meeting in June shall be run jointly by both the outgoing and incoming officers, as a transitional device. Any meetings thereafter will be solely under the jurisdiction of the newly elected officers.
- B. All officers must have completed a minimum of six months of service with the College in an eligible EEO category with time reflecting active service. Leave-of absence constitutes inactive status.
- C. Following the initial elections, the Chairperson-Elect and Secretary-Elect, shall assume the positions of Chairperson and Secretary at the time of the annual elections each year. The remaining offices are filled by the candidate for each office receiving the highest number of votes in the election.

D. The one-year term of office of all officers shall be twelve (12) months which will be from June until May. The persons holding the positions of Chairperson and Secretary at the time elections are held may not run for re-election to the same office unless they are fulfilling the term of an officer that resigned.

E. Elected officers of the Assembly shall perform the following duties of office:

**Chairperson:** Shall be the presiding officer of the Assembly and Administrative Assembly Officers Council, shall be an ex-officio member of all other committees, shall be a voting member and represent the Assembly on the Executive Committee, and shall appoint standing committees and ad hoc committees with the approval of the Council.

**Chairperson-Elect:** Shall serve in the absence of the Chairperson, shall be a voting member and co-represent the Assembly on the Executive Committee, and shall assume the position of Chairperson at the time of the annual elections, at the end of a one-year term as Chairperson-Elect.

**Secretary:** Shall maintain and report accurate minutes of all Assembly meetings, shall inform all members of scheduled meetings, shall maintain the membership list of the Assembly, and shall maintain official files of all correspondence and documents of the Assembly.

**Secretary-Elect:** Shall assist the Secretary in the performance of his or her duties, shall perform those duties in the absence of the Secretary, and shall assume the position of Secretary at the time of the annual elections, at the end of a one-year term as Secretary-Elect.

**Parliamentarian:** Shall insure that all Assembly meetings follow the prescribed Rules of Order, (see Article II, Section 2) and shall rule on any questions of procedure.

- F. The Chairperson of the Assembly shall speak for the Assembly whenever it is deemed necessary between the regularly scheduled meetings. The Assembly reserves the right to retract, reword or expand upon any statements made by its Chairperson if it feels this action is necessary.
- G. If an officer must resign, the officer-elect (if applicable) will automatically assume that position. If officer-elect is not available, the Chairperson will nominate the person who was next in line for that position during the last election, if available. If not, then a nomination will be made by the Administrative Assembly Officers Council and will be put before the Assembly for approval at the next meeting or via electronic mail.

**Section 6. Ex-Officio Members**

- A. Ex-officio members may participate in any deliberations, but may not vote on the Assembly Officers Council.
- B. The immediate past Chairperson of the Assembly shall be an ex-officio member of the Assembly Officers Council.
- C. The President of the College shall be an ex-officio member of the Assembly.
- D. The Administrative Assembly may invite any administrative, academic, or staff persons to serve as ex-officio members of any committee as is appropriate.

**ARTICLE II: RULES AND PROCEDURES**

**Section 1. Meetings**

The Assembly shall hold regular meetings at least once each month or as needed. The Chairperson of the Assembly may call a special meeting at any time. Whenever ten percent (10%) of the Assembly requests a special meeting, the Chairperson shall call a meeting.

- A. At the beginning of each meeting, the Chairperson shall declare a quorum when the usual level of attendance is attained.
- B. Assembly meetings shall be open to the public except when closed by a vote of the Assembly.

- C. Only members of the Assembly shall be accorded privilege of the floor, except when the Chairperson or a two-thirds (2/3) majority of the Administrative Assembly Officers Council or a simple majority of the Assembly permits a non-member to address the membership.
- D. The Assembly shall be responsible for keeping minutes of its proceedings and a copy shall be kept on file in the library. Minutes of meetings shall be regularly disseminated through the College electronic mail system and through other College publications as necessary.
- E. Upon a majority vote, the Assembly shall request the President of the College to call a meeting of the General Assembly to present matters which concern the welfare of the Administrators and other College constituencies. The Assembly, through its Administrative Assembly Officers Council, shall present its reports, findings, and/or recommendations to the General Assembly, College President and/or the Executive Committee.

## **Section 2. Parliamentary Procedures**

The meetings of the Assembly shall follow Robert's Rules of order.

### **III. Section 3. By-Laws**

By-laws of this constitution may be adopted or rescinded by secret ballot or electronic voting with adequate notice of the proposed changes to the Administrative Assembly membership. A two-thirds (2/3) vote of a quorum of the Assembly is required for changes to become effective when approved by the President of the College.

## **IV. ARTICLE III: COMMITTEES OF THE ADMINISTRATIVE ASSEMBLY**

### **Section 1. Organization**

The Chairperson of the Administrative Assembly shall appoint all Committee Chairpersons with the approval of the Administrative Assembly Officers Council. A committee shall consist of its Chairperson and at least two voluntary members of the Assembly. The Chairperson of that committee shall appoint members to the committee from the volunteer pool. However, each EEO unit has the right to be represented on any committee. The Chairperson of the Assembly is an ex-officio member of all committees. All issues referred to the Assembly committees shall be addressed and appropriate recommendations made to the Assembly. Committee minutes shall be made available to all Assembly members.

**V. Section 2. Special Committees**

Special committees shall be appointed as deemed necessary by the Chairperson of the Assembly or (2/3) two-thirds vote of the Administrative Assembly Officers Council or a simple majority of a quorum of the Assembly. (Electronic voting is an approved method of voting).

**VI. Section 3. Assembly Representatives**

The Chairperson shall appoint representatives to the College's Standing Committees.

**ARTICLE IV: ADMENDMENTS**

**VII. Section 1. Proposing an Amendment**

Amendments to this constitution may be proposed, in writing, by any member of the Assembly, provided that a majority of those present concur, or by petition of one-fourth (1/4) of the membership of the Assembly.

**VIII. Section 2. Publication of a Proposed Amendment**

The Secretary shall provide a copy of the amendment to each member of the Assembly and to the Circulation desk of the library. The Assembly shall address the amendment at the next regularly scheduled meeting.

**IX. Section 3. Ratification of an Amendment**

Ratification of a proposed amendment shall consist of a two-thirds (2/3) majority vote of a quorum of the Assembly, by secret ballot, and becomes effective upon approval by the President of the College.

## AMENDMENTS TO THE CONSTITUTION

### 5/10/04      Section 4: Membership

- A. The Assembly shall consist of all regular full-time and part-time administrative personnel who are not members of the Staff Assembly, Faculty Senate, or a permanent member of the Executive Committee (see Amendments):

EEO-1	Executive Administrator
<b>EEO-2</b>	<b>Faculty (Non-teaching</b>
<b>faculty only)</b>	
EEO-3	Non-Faculty Professional

All EEO-3's who are members of the Staff Assembly as of 9/30/01 may elect to retain their membership in the Staff Assembly. The same may elect to join the Assembly, thus permanently resigning from the Staff Assembly. All persons hired as or promoted to an EEO-3 after 9/30/01 will have four (4) months in which to submit their letter of membership in the Staff Assembly or the Administrative Assembly unless they are serving as an elected officer of the Staff Assembly. Any member who falls into this category may change assembly membership status after their term has expired. (See Section 5, part G.)

**Appendix 4****STUDENT ORGANIZATIONS****I. General Policies Related to All Student Organizations**

- A. No student organization may carry on any activity on or off campus unless the organization has been officially registered by Nashville State Tech.
- B. Nashville State Tech is not responsible for injuries or damages to persons or property resulting from activities of student organizations, or for debts or liabilities incurred by such organizations.
- C. No student organization shall deny membership to any person on the basis of age, race, sex, religion, handicap or national origin, provided that social organizations may have sex restricted membership.
- D. No student organization or individual shall engage in or condone any form of hazing. Hazing shall include, but is not limited to: any action taken, or situation created intentionally, to produce mental or physical discomfort, embarrassment or ridicule; any form of verbal or physical harassment or abuse; and engaging in public stunts, morally degrading or humiliating behavior or games, whether on or off campus.
- E. Excessive demands on a student's time so as to interfere with academic performance are prohibited.
- F. Student organizations shall be responsible and liable for the conduct and actions of each member of the organization while acting in the capacity of a member or while attending or participating in any activity of the organization.
- G. No person, group or organization may use the name of Nashville State Tech in any manner, provided that registered student organizations may use the name of the College following the name of the organization. No person, group or organization may use the seal or any symbol of the institution without prior written approval of the President or the Vice President of Academic Affairs or designee.

**II. Criteria for Registration of All Organizations**

- A. Any proposed student organization shall be open to all students of Nashville State Tech who otherwise meet membership requirements. Membership in the organization shall be limited to currently enrolled students; provided that organizations may include faculty and staff of the College, and/or spouses of students, faculty and staff, and provided further professional organizations may include members of the professional and business community as members.
- B. A proposed organization must represent the interests of the members, and the control of the organization must be within the local campus group. The organization must not have a knowing affiliation with an organization possessing illegal aims and goals, with a specific purpose to further those illegal aims and goals.
- C. The proposed organization must agree to comply with all policies, regulations and procedures established by Nashville State Tech and the Tennessee Board of Regents, and all federal and state laws and regulations.
- D. The proposed organization must NOT: (a) have illegal aims and goals; (b) propose activities which would violate regulations of Nashville State Tech or the Tennessee Board of Regents, or

federal or state laws and regulations, or materially and substantially disrupt the work and discipline of the College; (c) advocate incitement of imminent lawless action which is likely to produce such action.

- E. The proposed organization must have a minimum of eight (8) members, and there must be a demonstration of continuous interest in the purposes of the organization sufficient to afford registration on a long-term basis. In the event there is not sufficient numbers or interest to warrant a long-term registration, Nashville State Tech may grant temporary registration to an organization for a limited period of time.
- F. New organizations may be denied registration where the purposes are within the scope of a currently registered organization. No organization may use the same name, or a name which is misleading and similar to the name of a currently registered organization.
- G. The organization must provide for the distribution of all funds and assets in the event of dissolution.

### III. Procedures for Registration of Organizations

In order to become officially registered as a student organization, a group must meet the criteria as set forth in "**Criteria for Registration of Organizations**", and must provide to the Nashville State Tech a minimum of the following:

- A. Complete a **Request for Registration** to form the organization.
- B. The proposed constitution and bylaws of the organization, which must clearly contain the following: the name, purpose, proposed activities, and rules of membership and organization, the officers, their terms and methods of selection, the proposed nature and frequency of meetings and activities, and the financial plans of the organization, including any proposed fees, dues and assessments.
- C. The names of faculty advisers and/or the administrative officers of Nashville State Tech who will sponsor the organization.
- D. A statement of assurance of compliance by the organization that it will comply with all rules and regulations, policies and procedures of Nashville State Tech, the Tennessee Board of Regents, and with all federal and state laws and regulations.

Three (3) copies of the foregoing documents and information must be submitted to the Office of Vice President of Academic Affairs or designee to review and make recommendations concerning proposed organizations. Recommendations regarding registration of a proposed organization must be forwarded from the Coordinator for Student Activities to the Vice President of Academic Affairs or designee for approval; and approval by the Dean is necessary before the organization can be officially registered. At this point, the proposed organization may require sponsors to clarify any materials or information provided in the registration process, to resubmit the application or request non-conforming materials or provisions deleted, or to appear at a hearing for the purpose of obtaining additional information and testimony concerning the purposes, aims or proposed activities of the organization.

### IV. Nature and Conditions of Registration

- A. Registration of a student organization for other than a temporary period will be on an annual basis only, effective until the beginning of the next fall semester, and shall be subject to annual review by the Vice President of Academic Affairs or designee for each ensuing year.



- B. Annual review of registration of an organization shall be dependent upon the organization's demonstration of compliance with the following:
  - 1. It must adhere to the purposes, aims and activities as stated in the approved constitution and bylaws;
  - 2. It must continue to meet all of the requirements for initial registration;
  - 3. It must have remained in compliance with all rules and regulations of Nashville State Tech and all federal and state laws;
  - 4. It must submit all changes in the constitution and bylaws to Nashville State Tech for approval;
  - 5. It must maintain a current list of officers, faculty advisers and sponsors on file with Nashville State Tech; and
  - 6. It must have submitted all required financial and other reports to Nashville State Tech.

## **V. Reports**

- A. Nashville State Tech requires all organizations to submit an annual report concerning its programs and activities during the preceding year. This report will be reviewed by the Vice President of Academic Affairs or designee and shall be a requirement for renewal of registration.
- B. All organizations are required to file an annual financial report reflecting all revenues received and disbursed by the organization, and, the report must include any fund raising activities of the organization. The submission of this information is a requirement for renewal of registration.

## **VI. Probation, Suspension, and Withdrawal of Registration**

- A. An organization may be placed on probation, be suspended, or registration may be withdrawn by the Vice President of Academic Affairs or designee for any of the following reasons:
  - 1. The organization fails to comply with the initial requirements for registration;
  - 2. The organization ceases to operate as an active organization;
  - 3. The organization requests withdrawal of registration;
  - 4. The organization operates or engages in any activity which violates the rules and regulations of Nashville State Tech, or federal and state laws;
  - 5. The organization fails to submit any required reports;
  - 6. The organization fails to comply with policies and procedures of operation as set forth by Nashville State Tech.
- B. An organization which is placed on probation may continue to hold meetings but may not sponsor any activity or program. An organization which is placed under suspensions may not engage in or sponsor any activity or program, and may not hold meetings. Where registration of an organization is withdrawn, it shall cease to exist as an organization.

- C. In the event an organization is placed on probation or suspended, or registration is withdrawn on the basis of item VI.A. above, the organization shall be afforded the opportunity for a hearing. The organization requesting a hearing may appeal the ruling within 48 hours (two working days). A written appeal must be filed with the Coordinator for Student Activities. Within three (3) working days after receipt of the written appeal, an impartial committee will hear the appeal.

## **VII. Officers of Student Organizations**

No student under academic or social suspension from Nashville State Tech shall be eligible to become, or maintain the status of, an officer of any organization. In order to serve as an elected official of the organization, a student must have a grade point average of 2.0, except in the case of honors organizations, which have higher grade point average standards by their nature and function.

## **VIII. Fiscal Procedures**

- A. Each organization shall maintain a sound fiscal system related to the collection and disbursement of revenues in accordance with generally accepted accounting principles. The Vice President of Academic Affairs or designee, at any time, may require an audit of any organization, and appropriate financial records shall be maintained for the purposes of audit.
- B. Each organization shall designate an officer of the organization to be responsible for the collection and disbursement of funds and the maintenance of books and records.

## **IX. Programs and Activities**

- A. The use of any campus property and/or buildings by an organization shall be subject to the rules and regulations of Nashville State Tech. All organizations registered pursuant to this policy shall be "affiliated organizations" for the purposes of policies concerning use of campus property and facilities.
- B. Except for routine meetings of the organization, no on or off campus program or activity shall be engaged in unless authorization has been provided by the Vice President of Academic Affairs or designee. Prior to approval, Nashville State Tech may require a specified number of officials or security officers for any event, activity or program.
- C. Any fund-raising activity shall be for the benefit of the organization as a whole or a charity, and no funds shall be distributed to the officers or members of an organization for personal profit or gain.
- D. No guest speakers shall be invited to the campus except pursuant to policies of Nashville State Tech or the Tennessee Board of Regents.
- E. At no time will organizations be permitted to provide give-away gifts, participate in drawings, raffles, or provide door prizes. Such activities violate Nashville State Tech and Tennessee Board of Regents policies and state law.

## **X. Off-Campus Speakers**

Nashville State Tech recognizes the right of officially recognized student organizations to hear off-campus, or outside speakers. However, there is no absolute right to assemble or to make a speech at any time or place regardless of the circumstances, content of speech, purpose of assembly, or probable consequences of such meeting or speech, and the issuance of invitations to off-campus or

outside speakers for any meeting, activities or events on campus shall be limited in the following particulars:

- A. A request to invite an outside speaker will be considered only when made by an officially registered student organization.
- B. No invitation by such an organization shall be issued to an outside speaker without prior written approval by the Vice President of Academic Affairs or designee; the Coordinator for Student Activities may authorize organizations to invite guest speakers for meetings of the organization without prior approval where attendance at the meeting will be limited to members of the organization and where no fee or compensation will be paid to the speaker.
- C. Any student or campus organization meeting for which an outside speaker will be invited will be limited to members of the organization, provided that a written request to invite an outside speaker may include a request to permit students or faculty members who are not members of the organization initiating the request, and/or other designated guests, to attend the meeting.
- D. A request to invite an outside speaker to whom any payment would have to be made from any institutional funds is subject to the availability of funds specifically programmed for that purpose, and no payment of any funds shall be made except pursuant to guidelines established by Nashville State Tech and the Tennessee Board of Regents. In the event funding is approved, the meeting for which the outside speaker will be invited should be open to all students, faculty, or both, unless otherwise designated on the approval request.
- E. Any speaker request shall be made in writing by an officer of the student organization desiring to sponsor the proposed speaker not later than ten (10) days (excluding holidays and weekends) prior to the date of the proposed speaking engagement; provided the Vice President of Academic Affairs or designee may approve exceptions to the minimum notice requirement in appropriate cases. The request shall contain the name of the sponsoring organization, the proposed date, time and location of the meeting, the expected size of the audience, the name and address of the proposed speaker, and the topic of the speech. Any request not acted upon by the Vice President of Academic Affairs or designee within five (5) days (excluding holidays and weekends) prior to the event shall be deemed denied.
- F. The representative of the organization inviting the speaker shall at the time of the invitation provide the speaker or his/her agent with a copy of this policy and campus regulations. By acceptance of the invitation, the speaker shall assume full responsibility for any violation of law or campus regulations committed by him/her while on campus.
- G. Any meeting, assembly, or other activity to which an outside speaker may be invited is subject to all requirements, conditions and approvals set forth in any policy of Nashville State Tech and/or the Tennessee Board of Regents concerning the use of campus property and facilities.

**Appendix 5****TRAVEL POLICY FOR STUDENT ORGANIZATIONS, GROUPS AND  
THE STUDENT GOVERNMENT ASSOCIATION**

This policy is established for student organizations, groups and the Student Government Association of Nashville State Community College who periodically travel to conferences, activities or meeting. Travel for all student groups or individual student/s shall be subject to Tennessee Board of Regents General Travel Policies and Procedures (No. 4:03:03:00) and Institutional Policies outlined in the Faculty and Staff Handbook (F-10-24). In addition, students will follow these Institutional guidelines:

1. All in-state travel must be recommended and approved by the faculty advisor and the Assistant to the Vice-President for Academic Affairs. (REQUEST FOR TRAVEL APPROVAL FORM MUST BE USED.)

Out-of-state travel must be recommended and approved by the faculty advisor, the Assistant to the Vice-President for Academic Affairs and the President of the Institute. (REQUEST FOR TRAVEL APPROVAL FORM MUST BE USED.)

2. All individuals traveling must sign a Hold Harmless Agreement which must be submitted with the Approval for Travel Form. If the student is under the age of 18 years, the signature of parent or legal guardian is required. No student will be allowed to travel without first signing a Hold Harmless Agreement.

Student organization leaders will meet with the Assistant to the Vice-President for Academic Affairs to discuss liability issues, waivers and releases prior to any authorized travel.

3. A roster of all individuals traveling on any student trip must be submitted to the Assistant to the Vice-President for Academic Affairs prior to traveling.
4. Written itineraries must be filed with the Assistant to the Vice-President for Academic Affairs prior to traveling.
5. In all cases, student organization and group transportation will be arranged through established institutional procedures, and whenever possible groups will travel together. Any exceptions must be approved prior to travel.
6. Receipts are required for all student organization or group travel expenses consistent with the TBR Policy No. 4:03:03:00. (EXPENSES MUST BE FILED ON A CLAIM FOR TRAVEL EXPENSES FORM.)
7. Individual meals associated with student organization or group travel will follow the TBR Travel Policies and Procedures.
8. Travel advances may not be made to student organizations, groups or the Student Government Association. Individuals will be reimbursed for actual expenses upon proper submission of a claim for travel expenses.

9. Student Organization and Student Government Association faculty advisors are strongly encouraged to accompany student groups when they are required to travel.
10. Any unauthorized travel by student groups or individual student/s will not be reimbursed.

## Appendix 6

**STUDENT ACCESS CENTER  
POLICIES AND PROCEDURES****Introduction**

This policy has been adopted by Nashville State Community College in an effort to identify, prevent, and/or remedy discriminatory barriers and practices related to reasonable accommodations and equal access for qualified students with disabilities. The policy is in accordance with the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

**Definitions**

1. A **Disability** is defined as a physical or mental impairment that substantially limits one or more of the major life activities. Written previous diagnosis of such an impairment will be regarded as proof of its presence.
2. **Qualified individuals** with disabilities are defined as individuals who, with or without reasonable modifications and accommodations, meet the essential eligibility requires for programs, services, and activities offered by Nashville State Tech.
3. **Physical impairments** are defined as any physiological disorders, or conditions, cosmetic disfigurements or anatomical losses affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin and endocrine.
4. **Mental impairments** are defined as any mental or physiological disorders, such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.
5. **Reasonable accommodations** are modifications or adjustments for qualified individuals with documented physical or mental limitations which ensure that requirements do not discriminate on the basis of the disability. The reasonable accommodation should reduce or eliminate unnecessary barriers between the individual's abilities and the requirements for performance unless the requirement to be demonstrated is essential to the program of instruction being pursued by the student or is relevant to a licensing requirement.  
  
**Note:** It is the obligation of the student to request reasonable accommodations. The student also has the right and may refuse reasonable accommodations.
6. **Undue hardships** are defined as actions requiring significant difficulty and expense. Hardship is based upon the institutional rather than a departmental budget.

Nashville State Tech prohibits discrimination against students with disabilities and encourages full participation in all College programs, physical facilities, activities, and events. The College seeks to provide reasonable accommodations, which will ensure that "no otherwise qualified student with a disability" shall be excluded from participation in, be denied benefits of, or be subjected to discrimination.

The Student Disabilities Director is responsible for resolving all classroom and instructional issues.

**Procedures for Policy Implementation**

It is the student's responsibility to voluntarily and confidentially disclose information regarding the nature and extent of the disability. The College does not assume responsibility for providing accommodations or services to students who have not identified themselves as having qualifying disabilities.

The process of identification begins by registering with the Student Disabilities Director. This is the first step in arranging special accommodations and assistance. **Students will receive accommodations only if appropriate verified documentation of a disability is on file and/or not over three years old.** Medical, educational, psychological, and/or other evaluative information is considered documentations. The Student Disabilities Director will maintain the documentation in a secure and confidential place.

**Nashville State Tech will be responsible for the following:**

- Procedures by which a student may disclose the presence of a disability and request the accommodations or auxiliary aids he/she believes are necessary for obtaining equal access to, or participation in, college programs and activities.
- Procedures by which confirmation of the student's disability and assessment of the appropriateness of the requested accommodations or auxiliary aids will be made.
- Procedures by which approved accommodations or auxiliary aids can be arranged or obtained; and
- Procedures shall be provided to the student in the most appropriate format, i.e., written, Braille, audio-tape.

*All procedures above are located in the Student Disability Director's office and in the Library*

**Students with disabilities:**

- Shall be expected to make timely and appropriate disclosures and requests and to engage in appropriate and responsible levels of self-help in obtaining and arranging for accommodations or auxiliary aids;
- Will be required to submit medical or other diagnostic documentation of disability and limitations and may be required to participate in such additional evaluation of limitations as may appropriately be required prior to receiving requested accommodations; and

- Shall first seek funding for specialized support services (transportation, tuition, text books, hearing aids, and other individually prescribed devices) through the Tennessee Human Services Division of Vocational Rehabilitation.

## Placement Tests and Examinations

Appropriate methods of alternative testing for students with disabilities will be determined on an individual basis, taking into consideration the nature of the disability. With adequate advance notice, the Student Disabilities Director will provide and assist with alternative testing services, equipment, readers, or writers. Proctored tests which require extra time will be given in a secure, quiet environment conducive to educationally sound testing procedures. Test accommodation requests are initiated by the student and are coordinated by the Student Disabilities Director with advance notice.

## Use of Auxiliary Aids

Auxiliary aids include any service, adaptive equipment, or other educational aid which will enable a student with a disability to participate in or benefit from the educational process. **The Student Disabilities Director and the student will determine what type of auxiliary aid or service is necessary.** Primary consideration for assistance will be given to the student's request. Such accommodations will be employed only when deemed necessary and as long as the alternative method in non-discriminatory to nature, is not unduly limiting to the educational process of the student, and is reasonable for the individual circumstances.

"Undue hardship" relative to the purchase of auxiliary aids is to be determined by the President or his designee and is to be based on the overall resources of the College rather than the resources of the individual department involved.

While funding for accommodations to ensure equal access to educational opportunities is provided by the Institution through the usual budget process, the funding for auxiliary aids is primarily the responsibility of the state vocational rehabilitation agency. There may, however, be situations where a student is not eligible to be a client of the vocational rehabilitation agency. In such cases, the primary responsibility for ensuring reasonable accommodations for the student shifts to the College.

### **Current auxiliary aids may include but are not limited to:**

Readers, tutors, large print material, voice capability microcomputers, sign language interpreters, laser printers, scribes, Jaws Software (scans text and converts to text), note takers, magnifiers, Franklin Spellers, tape recorders, calculators, electronic dictionary, FM systems for the hearing impaired, headphones, large typewritten print, Braille "N" Speak, applications for Recordings for the Blind.

Individually prescribed devices, personal care attendants, readers for personal use, or other study devices of a personal nature are **NOT** considered auxiliary aids.

**Academic Programs** should be modified, as necessary, to ensure that they do not discriminate against qualified applicants or students with disabilities. These modifications should not affect the substance of the educational program or compromise educational standards, nor should they intrude upon legitimate academic freedom. Modifications may include changes in the length of time permitted for the completion of degree requirements (including credit load),



substitution of specific courses required for the completion of degrees, and adaptation of the manner in which specific courses are conducted. For example, a degree program may permit an otherwise qualified student who is deaf to request a course change. The Student Disabilities Director, in collaboration with department heads, will act as the liaison in this process.

Academic requirements that are essential to programs of instruction or to any directly related licensing requirement are not regarded as discriminatory.

**Program Examinations and Evaluations** or other procedures for evaluating a student's academic achievement should be adapted to permit evaluation of achievement of students with disabilities. The results of the evaluation must represent the student's achievement in the program or activity, rather than reflecting the student's disabilities. It is the student's responsibility to request test accommodations at enrollment time or according to the procedures outlined by the institution. Testing accommodations may include but need not be limited to:

- Enlarged materials
- Oral test
- Writer
- Reader
- Brailled material
- Taped test
- Extended time
- Computer-assisted
- Preferential seating (front)
- Alternate format (color copy)
- Environment free of distractions

### **Voluntary Acceptance of Aids, Accommodations and Separate Program**

All services, programs, and activities offered by the College are to be administered in the most integrated setting appropriate to the needs of qualified students with disabilities. It is permissible to develop separate or different programs only when necessary to provide individuals with disabilities a program that is equal in effectiveness to that provided for other students. Even when separate programs are permitted, students with disabilities cannot be denied the opportunity to participate in programs that are not separate and different. Students with disabilities may not be required to accept an accommodation, service, aid, or separate program designed for them even when the benefit to do so may be obvious. Such services are to be accepted strictly on a voluntary basis.

### **Communication and Information**

The Student Disabilities Director will take measures appropriate to the individual needs in communicating information to persons with sensory impairments, including readers, qualified interpreters, written materials, notepad, pen TDD's, or other special devices. With adequate advance notice, information in the college's publications will be made available in alternate format upon request by individuals with disabilities.

## Physical Facilities

Campus buildings, pathways, parking, and other physical facilities at Nashville State Tech are to be accessible so that no individual with a disability is denied access. The student is responsible for making physical access needs known with reasonable advance notice to allow time for relocation. Requests for physical access should be made in writing to the college ADA Coordinator.

## STUDENT DISABILITIES PROGRAM

The **Student Disabilities Director** will be responsible for:

- **Maintaining and registering** self-identified students with documented disabilities;
- **Coordinating and providing** support services to individuals with disabilities;
- **Monitoring and documenting** verification of disabilities;
- **Developing** procedures and arrangements for appropriate accommodations;
- **Encouraging and promoting** self-sufficiency and individual personal growth in the overall educational experience as it relates to programs, policies, procedures, services, activities, facilities, and resources;
- **Serving** as a liaison and advocate for individuals with disabilities between the faculty and students in resolving disputes and/or issues. Procedures have been established for resolution of student concerns involving academic and instructional accommodations. Students filing a complaint or grievance should go to the college ADA Coordinator to obtain procedures;
- **Referring** students to Security to obtain special handicapped parking permits;
- **Providing** continual disability awareness training for faculty and/or students;
- **Assessing and recommending** aid/adaptive technological needs of students with disabilities.

## Off-Campus Programming

Since the College frequently holds classes, programs, or activities in other facilities, steps should be taken to use facilities that are accessible. Contractual or lease agreements should reflect efforts to ensure accessibility.

**Appendix 7****Family Educational Rights and Privacy Act (FERPA).**

The Family Educational Rights and Privacy Act sets requirements which are designed to protect the privacy of parents and students. The Privacy Rights of Parents and Students Act, or Public Law 93-380, provides that educational institutions must provide students disclosure to education records directly related to them and limits dissemination of personally identifiable information without the student's consent. In accordance with these above stated laws, Nashville State Community College has prepared the following guidelines which will be issued to faculty, staff and administrators to ensure compliance with this Federal legislation.

**A. Guidelines.**

## 1. Definitions

- a. Student - includes any individual with respect to whom Nashville State Community College maintains educational records.
- b. Educational Record - those personally identifiable records which are directly related to a student and are maintained by Nashville State Community College. This includes any information or data recorded in any medium (e.g. hand-writing, print, tapes, film, microfilm, microfiche). Excluded from this definition of a student record are records of individual institute personnel, law enforcement records as maintained by the Office of Safety and Security, psychological records as maintained by Counseling Center, employment records as maintained by the Personnel Office, and Institute units which employ students (provided such records are used solely for employment purposes), parents' financial information including statements submitted in connection with scholarship applications and those records containing information obtained after the student is no longer enrolled, such as post transfer or alumni records.
- c. Dependency - any student who has attained eighteen years of age, or is attending an institution of postsecondary education shall be declared nondependent unless the institute receives proper certification by the parent or guardian. Form: Student Request to Inspect and Review Education Records
- d. Personally Identifiable Information - any information which can easily be traced to students. The data includes: name of student, student's parent, or other family member, address, social security number, student I.D. number, or other information which would make it possible to identify the student within reasonable certainty.
- e. Disclosure - permitting access or the release, transfer, or other communication of education records of the student or the personally identifiable information contained therein, orally or in writing, or by electronic means, or by any other means to any party.

- f. School Officials - those members of an institution who act in the students' educational interest with the limitations of their need to know; which may include faculty, administration, clerical, and other persons who manage student records information.
2. Students Right to Review and Inspect Education Records
- a. A student shall be permitted to inspect and review his/her education record within forty-five days following the date on which he/she notifies the College that he/she desires disclosure. Form: Student Request To Inspect and Review Education Records
  - b. A student shall be provided with a copy of any part or all of his/her education record at his/her request but may be charged an amount not to exceed the College's cost of producing the copy as a condition to receiving it.
  - c. Reasonable requests by a student for an explanation or interpretation of education records shall be granted.
  - d. An official from the Office of the Registrar shall be present whenever education records are inspected or reviewed.
  - e. A student shall be entitled to challenge the content of his/her education records. Should the student feel a violation of the Buckley Amendment has taken place, the Vice President of Academic Affairs or designee should be notified in writing of such charges.
  - f. If Nashville State Community College decides that information in a student's education record is inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, it shall amend the education records and inform eligible student or parent of the student in writing. Regardless of the decision, the student should be informed of his/her right to place a statement in the file commenting on the information in the file and setting forth any reasons for disagreeing with the decision.

**NOTE:** Applicants who were not admitted as a student have no right of access to their educational records and applications maintained by this College.

g. Conduct of the Hearing

- 1). A challenge by a student of his/her education record shall be submitted in writing by the student to the College's Records Office. Form: Student Request for Formal Hearing

**NOTE:** The procedure for accessing and challenging does not provide for a hearing to contest an academic grade.

- 2). The written challenge shall specify as briefly and precisely as possible the nature of the claimed inaccuracy or other defect in the education record and the remedial action sought.
- 3). The challenge shall be signed by the student.
- 4). The Registrar shall mark the date of submission on the front page of the challenge. The written challenge shall be forwarded to the Vice President of Academic Affairs or designee.
- 5). Within ten days after receipt of the challenge, the Vice President of Academic Affairs or designee shall notify the student in writing of the time and place of the hearing. The hearing will be conducted no later than 30 days from the date on which notification is given or mailed to the student at a date convenient to the eligible student or parent of the student. The hearing will be conducted by a College hearing officer who does not have a direct interest in the outcome of the hearing.
- 6). The student shall be permitted to offer evidence in support of his/her choice at the student's expense, including an attorney. The hearing officer may require that voluminous material be summarized if he/she deems such action appropriate.
- 7). The hearing officer may request the presence at the hearing of witnesses in addition to those called by the student. In reaching a decision, the hearing officer may consider the testimony of witnesses and all other evidence available to him/her. The student shall be made aware of and have an opportunity to rebut any evidence considered by the hearing officer which would serve to disprove the student's challenge.
- 8). Within 30 days of the conclusion of the hearing, the hearing officer shall notify the student in writing of the decision reached.
- 9). A record of the hearing shall be maintained in the Vice President of Academic Affairs or designee's office which notes all particulars of the challenge including date received, date of hearing, name of hearing examiner, names of witnesses, decision reached, and date on which notification of decision was sent. The record shall include a copy of the challenge, the decision, and any written or other tangible evidence submitted.

### **C. Limitations on Right to Inspect and Review Education Records**

1. A student shall be denied disclosure to parents' financial records.
2. A student shall be denied disclosure to confidential letters and statements of recommendation which were placed in the College's records prior to January 1, 1975.

3. A student shall be denied disclosure to confidential recommendations respecting his/her admission to the College, application for employment, or receipt of an honorary recognition if he/she signed a waiver of disclosure rights. Form: Waiver of Right to Inspect Confidential Records
  - a. The College shall not require any student to waive disclosure rights.
  - b. A party from which a recommendation is sought may require such a waiver.
  - c. A student who has signed a waiver shall be notified by the College of the names of parties providing confidential recommendations.
  - d. Confidential recommendations and letters shall be used only for the purpose for which they were solicited.
4. A student shall not be permitted to inspect education records which personally identify other students even if he/she also is personally identified. In such a case he/she may only view the portion of the record pertaining to himself/herself.

#### **D. Disclosure of Education Records to Third Parties**

1. Directory information, such as that contained in the campus telephone book and sports brochures, shall be disclosed to third parties without first obtaining the written consent of the student. (Directory information includes a student's name, address, telephone listing, birthplace and date, major fields of study, participation in officially recognized activities and sports, weight and height, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student). However, a public notice of the categories of information to be contained in such a directory shall be given, and a period of two weeks shall be provided during which a student may request the College not to disclose any or all such information about him/her. This notification is effective only for the one term for which the student is then registering. Form: Request to Prevent Disclosure of Directory Information
2. Information contained in education records shall be disclosed without a student's consent to third parties engaged in the validation, development or administration of tests, accreditation activities, or research conducted on behalf of the College provided such information is not revealed to any other parties.
3. Education records shall be disclosed, without notifying or obtaining the consent of a student, to:
  - a. Administrative and instructional personnel who have a legitimate educational interest. Legitimate educational interest shall mean that administrative or instructional personnel may review and inspect

education records for evaluation, identification, and informational purposes in order to obtain data which will assist the teach or administrator in serving the needs of the student and/or College.

- b. Authorized Federal and State Government Officials. Specific request for access by government officials shall be brought to the attention of the Director of Admissions as soon as possible after receipt of such request and prior to the release of education records.
  - c. Another college or university in which a student seeks to enroll. The student shall be provided with written notification of such disclosure. Form: Notice of Submission of Academic Information
  - d. A court through judicial order or subpoena. Disclosure shall be made only after written notification of such order is provided the student. The Vice President of Academic Affairs or designee shall be notified as soon as such an order or subpoena is received and prior to disclosure of education records.
  - e. Education records disclosed to third parties in emergency situations shall be brought to the attention of the Vice President of Academic Affairs or designee prior to the disclosure of any records.
  - f. Education records shall be disclosed to a third party without the student's consent in connection with a student's application for, or receipt of financial aid, but the student shall be notified in writing of the records sent.
4. Education records may be released by the College to any third parties including a parent with the written consent of the student.
- a. Written consent of the student shall be signed and dated and shall specify: 1) Records to be disclosed, 2) Reasons for disclosure, 3) To whom the records are to be disclosed. Forms: Nashville State Tech Transcript Request, Placement and Cooperative Education Authorization to Release Transcript and Placement Credentials, Cooperative Education Authorization to Release Information
  - b. A record shall be maintained by the College which:
    - 1) Indicates all parties which have obtained or requested disclosure to a student's education records.
    - 2) Indicates the legitimate interest each party receiving disclosure has in receiving such disclosure.
    - 3) Is kept with the student's records and available only for inspection by him/her and College personnel in charge of the particular records concerned. Form: Record of Request and Grants of Disclosure of Education Records

5. Whenever records are disclosed to any third party, a written statement shall accompany the records disclosed stating that the disclosure is conditionally upon the third party not permitting any other party to have access to the records without the student's written consent. Forms: Placement Office Third Party Disclosure Statement, Cooperative Education Third Party Disclosure Statement
- E. Destruction of Education Records.** All or part of a student's education records may at any time be removed from a file and destroyed by College personnel authorized to perform such acts. However, once a student requests disclosure of his/her records such removal and destruction may not occur until disclosure has been granted.
- F. Student Complaints.** Students Have The Right To File A Complaint Concerning Alleged Failure By The College To Comply With The Act. Written complaints should be directed to: Family Educational Rights and Privacy Office (FERPA), Department of Health, Education and Welfare, 330 Independence Avenue SW, Washington, DC 20201.
- G. Custodians of Education Records.** The Registrar has been designated by Nashville State Tech to coordinate the inspection and review procedures for education records. In certain instances, copies of education records are forwarded from the Office of Admissions to school officials who have a need for this information to enable them to perform their duties acting in the student's educational interest. Other situations occur whereby, due to the nature and duties of an office, certain educational records are established and maintained within that office, i.e., Student Development, Placement, Cooperative Education, Student Support Services, Academic Development, etc. When an office or individual establishes educational records, receives copies of educational records, and/or has accessibility to computerized student records, each office or individual is responsible for coordinating security of such records as well as, when applicable, approved retention and destruction of such records.



- H. Copies of Student Records.** Student records are maintained for academic purposes. The materials therein allow the college to validate a student's academic performance. Non-college personnel must have the student's written permission to review a student record. With the student's permission, copies of student records are available at \$1.00 for the first page and \$0.50 for each additional page.

**EDUCATIONAL RECORDS AT NASHVILLE STATE COMMUNITY COLLEGE**

<b>Type of Education Record</b>	<b>Information in Record</b>	<b>Persons with Access</b>	<b>Custo Reviews/Ex</b>
Academic Record	Courses, grades, degrees, entrance examination scores	Faculty/staff with official need	Reg is
Locator Print-Out	Personal address, telephone number, class schedule	Faculty/staff with official need	Reg is
"Hold Lists"	Information concerning non-release of records	Faculty/staff with official need	Re
Withdrawal Records	Demographic; reason for withdrawal	Faculty/staff with official need	Re
Student Folder	Application for admission, receipt for admission fee, high school transcript, previous college transcript, general correspondence, ACT & GED scores	Faculty/staff with official need	Re
Teacher Reports of Incomplete, Change of Grade Forms	Grades for particular courses	Faculty/staff with official need	Re
Grade Sheets	Students in each class and final grade	Faculty/staff with official need	Re
Change of Major Forms	Major change, advisor's name	Faculty/staff with official need	Re

<b>Type of Education Record</b>	<b>Information in Record</b>	<b>Persons With Access</b>	<b>Custo Reviews/Ex</b>
Veteran's Administration Files	Enrollment data, dates of attendance	Staff with official need	Re
Change of Name, Address, Telephone Number Form	Name, address, telephone changes and reasons	Faculty/staff with official need	Re
Transcripts from Previous Institutions	Courses and grades	Faculty/staff with official need	Re
Test Scores (ACT, GED, AAPP)	Scores on tests required for admission	Faculty/staff with official need	Director o
Application for Admission	Demographic	Faculty/staff with official need	Director o
Residency	Residency classification and information	Faculty/staff with official need	Director o
Financial Statement (Foreign)	Information concerning student's finances	Faculty/staff with official need	Director o
Education Experiences Form (Foreign)	Student's previous schooling	Faculty/staff with official need	Director o
Form I-20 (Foreign)	Eligibility certificates for foreign students	Faculty/staff with official need	Director o
Resumes and References	Personal data; personal recommendations	Faculty/staff with official need	Director c

<b>Type of Education Record</b>	<b>Information in Record</b>	<b>Persons With Access</b>	<b>Custodian Expung</b>
Discipline	Violations and penalties	Personnel in Student Development Office	Assistant to
Counseling Record	Demographic and counseling summary	Individual Student	Assistant to
Payrolls	Payments, withholdings	Payroll clerks, office supervisors	Business
Financial Aid	Student Financial Aid files, parent, and/or student financial statements, scholarship records	Personnel in Office of Financial Aid	Director of
Student Receivables	Amounts due from students for various reasons, i.e., parking violations, fee errors	Business Office Staff	Business
Dishonored Checks	Amounts of checks, correspondence, etc.	Business Office Staff	Business
Student Deposits	Deposit amounts, date deposited, purpose, etc.	Business Office Staff	Business
Student Registration Records (Payments)	Fees paid, type, etc.	Business Office Staff	Business
Payroll	Number of hours worked and rate of pay	Business Office Staff Personnel Office Staff	Business Director (Se

**Appendix 8****Drug Free Communities Statement**

This statement is being distributed to all Nashville State Community College employees, including faculty, staff and students, in compliance with the provisions of the Drug-Free Workplace Act of 1988 (41 U.S.C. 701, *et. seq.*) and the Drug-Free Schools and Communities Act Amendments of 1989 (20 U.S.C. 3171, *et.seq.*).

**A. Policy**

It is the policy of Nashville State Community College to prohibit the illegal use, abuse, manufacturing, possession, sale, or distribution of alcoholic beverages or any controlled substance, including any stimulant, depressant, narcotic, hallucinogenic drug or substance, or marijuana on college-owned, controlled, or temporarily leased property. Such use, sale or distribution is prohibited also during any college-related activity, including off-campus trips. All employees and students are subject to applicable federal, state and local laws related to this matter. Additionally, any violation of this policy will result in disciplinary actions as set forth in the General Regulations on Student Conduct and Disciplinary Sanctions section of the **Nashville State Student Handbook** and the **Nashville State Policy and Procedures Manual**.

**B. Legal Sanctions**

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 of prior offenses, if any, whether death or serious bodily injury results from the use of such substance, and whether any other crimes were committed in connection with the use of such 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 million dollars, supervised release, or any combination of the above. These sanctions are doubled when the offense involves either of the following:

1. Distribution or possession at or near a school or college campus.
2. Distribution to persons under 21 years of age (repeat offenders may be punished to a greater extent as provided by statutes).

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 knows that the person is a minor, the offense is classified as a felony, as provided in T.C.A. 39-17-417(21 U.S.C. 801, *et. seq.*; T.C.A. 39-17-417).

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 are classified as Class A misdemeanors punishable by imprisonment for not more than 11 months and 29 days, or a fine of not more than \$2,500, or both (T.C.A. 1-3-113, 57-5-301). It further is an offense to provide alcoholic beverages to any person under the age of twenty-one (21). Such an offense is classified as a Class A misdemeanor (T.C.A. 39-15-404). The offense of public intoxication is a Class C misdemeanor and is punishable by imprisonment of not more than 30 days or a fine of not more than \$50, or both (T.C.A. 39-17-310).

### **C. Institutional Sanctions**

**Nashville State Community College** will impose the appropriate sanctions on any employee or student who fails to comply with the terms of this policy.

#### **1. Employees**

**As a condition of employment, each employee, including student employees, must abide by the terms of this policy**

and must notify his/her department head/supervisor of any criminal drug statutes conviction for a violation occurring in the workplace no later than five (5) days after a 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 policy, including failure to notify of conviction, may include one or more of the following:

- a. Termination.
- b. Suspension.
- c. Mandatory participation in, and satisfactory completion of a drug/alcohol abuse program or rehabilitation program.
- d. Recommendation for professional counseling.
- e. Referral for prosecution.
- f. Letter of warning.
- g. Probation.

## 2. Students

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

- a. Expulsion.
- b. Suspension.
- c. Mandatory participation in, and satisfactory completion of a drug/alcohol abuse program or rehabilitation program.
- d. Referral for prosecution.
- e. Probation.
- f. Warning.
- g. Reprimand.

## D. Health Risks Associated With Illicit Drugs and Alcohol Abuse

A cursory description of the health risks associated with the use of alcohol and illicit drugs are as follows:

## **1. Alcohol**

Alcoholism is the most neglected health problem in the United States today. It is a complex, progressive that interferes with health, social and economic functioning. Untreated, alcoholism results in physical incapacity, permanent mental impairment and/or premature death.

Alcohol is involved in one-third of all suicides, one-half of all murders, one-half of all traffic deaths, and one-fourth of all other accidents, and it is involved in over 50 percent of all arrests.

Alcohol is the third leading cause of birth defects involving mental retardation. Use during pregnancy may cause spontaneous abortion, various birth defects or fetal alcohol syndrome.

Drinking is implicated in cancer, heart disease, liver disease, gastrointestinal disease, and other illnesses. Alcoholism reduces life expectancy by twelve years.

Regular use of alcohol can damage all body organs, leading to liver, heart and digestive problems, circulatory system interference, personality disorders, reproductive problems, and central nervous system disorders such as poor vision, loss of coordination, memory loss, loss of sensation, mental/physical disturbances and permanent brain damage. The physical and psychological changes that occur as a result of addiction to alcohol can pave the way for addiction to mood altering drugs.

## **2. Other Drugs**

Drugs are natural and synthetic chemical substances used to affect body processes, the mind, nervous system, behavior, and feelings. Drugs, used without medical supervision, lead to many of the same health risks associated with alcohol abuse. Specifically, however, the illicit use of drugs increases the risk of mental deterioration, death from overdose, physical and mental dependence or addiction, hepatitis and skin infections from needle use, psychotic reactions, inducement to take stronger drugs, brain damage, hallucinations, unconsciousness, deep depression, distortion of time and space, permanent damage to



lungs, brain, kidneys and liver, death from suffocation or choking, anemia, amnesia, AIDS, and other infections.  
If used excessively, alcohol and drugs may cause death.

#### **E. Information Sources**

The Student Development Office at Nashville State Tech provides information related to treatment and/or rehabilitation as a service to all employees and students. The purposes of referral are as follows:

1. To encourage the individual with a problem to seek the assistance of a qualified drug/alcohol therapist or seek treatment from a drug treatment center or mental health center.
2. To provide information to individuals regarding treatment resources in the surrounding area and how to secure their services. Description materials are provided when available detailing the facility, length of stay, cost, etc.
3. To assist the employee/student in making the initial contact with an outside agency.

**Appendix 9****NOTICE**

The federal Campus Sex Crimes Prevention Act and the Tennessee College and University Campus Sex Crimes Prevention Act of 2002 require that whenever a sex offender becomes ***employed, enrolls as a student or volunteers*** at an institution of higher education in the state of Tennessee, he or she must complete or update the Tennessee Bureau of Investigation (TBI) sexual offender registration/monitoring form and deliver it to TBI headquarters in Nashville. As defined in section 40-39-102 of the Tennessee Code, a “sexual offender” means a person who is, or has been, convicted in this state of committing a sexual offense or who is, or has been, convicted in another state or another country, or who is or has been convicted in a federal or military court, of committing an act which would have constituted a sexual offense if it had been committed in this state. A “sexual offense” means the commission of acts including but not limited to aggravated and statutory rape, sexual battery, sexual exploitation of a minor, aggravated prostitution, and kidnapping.

Both acts designate certain information concerning a registered sexual offender as public information and therefore amend and supercede the Family Educational Rights and Privacy Act (FERPA) and other federal and state laws that previously prohibited the disclosure of such personal information. Since the laws require the publication of information pertaining to sexual offenders employed, enrolled or volunteering at an educational institution, said publication does not constitute grounds for a grievance or complaint under institutional or Tennessee Board of Regents policies or procedures.

**Appendix 10****USE OF COPYRIGHTED MATERIALS****Introduction**

It is the intent of the College that all college members adhere to the provisions of the United States Copyright Law (Title 17, United States Code, Sect. 101, et seq.) and this policy. The following statements and guidelines apply to anyone at the College who wishes to reproduce, alter, or perform works that are protected by copyright. Since copyright protection applies to a variety of creative works, such as printed materials, sound recordings, video recordings, visual artworks, computer software, and others, this policy has been constructed to address issues related to the use of particular types of media.

Full text of the law and its legislative history, plus subsequent analysis and commentary, are available in the Library. Librarians may be able to advise and assist in researching problems not specifically addressed in this policy.

Members of the College community who willfully disregard the copyright policy do so at their own risk and assume all liability.

**What is Copyright?**

Copyright is a form of legal protection for authors of original works, including literary, dramatic, musical, artistic, and other intellectual products. Publication is not essential for copyright protection, nor is the encircled "c" symbol. Section 106 of the Copyright Act (90 Stat 2541) provides the owner of copyright the exclusive right to do and to authorize any of the following:

- Reproduce copies of the work.
- Prepare derivative works based on the copyrighted work.
- Distribute copies of the work by sale, rental, lease, or lending.
- Publicly perform the work (if it is a literary, musical, dramatic, or choreographic work or a pantomime, motion picture or audiovisual work).
- Publicly display the work (if it is a literary, musical, dramatic, choreographic, sculptural, graphic, or pictorial work including the individual images of a film or a pantomime).

The copyright owners retain these rights even when the work itself belongs to someone else. However, the rights are not absolute. They are subject to both "Fair Use" limitations, which apply to all media, and medium-specific limitations.

## Fair Use

The doctrine of fair use, denoted in section 107 of the Copyright Act of 1976, addresses the needs of scholars and students by mitigating the rights of copyright ownership. However, what constitutes fair use is expressed in the form of guidelines rather than explicit rules. To determine fair use, the following four factors need to be considered [from *The Copyright Primer for Librarians and Educators*, by Janis H. Bruwelheide; Chicago, ALA, 1995]:

- The purpose and character of the use, including whether the copied material will be for nonprofit, educational, or commercial use. This factor at first seems reassuring; but unfortunately for educators, several courts have held that absence of financial gain is insufficient for a finding of fair use.
- The nature of the copyrighted work, with special consideration given to the distinction between a creative work and an informational work. For example: (a.) Photocopies made of a newspaper or newsmagazine column are more likely to be considered a fair use than copies made of a musical score or a short story. (b.) Duplication of material originally developed for classroom consumption is less likely to be fair use than is the duplication of materials prepared for public consumption. For example, a teacher who photocopies a workbook page or a textbook chapter is depriving the copyright owner of profits more directly than if copying one page from the daily paper.
- The amount, substantiality, or portion used in relation to the copyrighted work as a whole. This factor requires consideration of: (a.) the **proportion** of the larger work that is copied and used, and (b.) the **significance** of the copied portion.
- The effect of the use on the potential market of the copyrighted work. This factor is regarded as the most critical one in determining fair use; and it serves as the basic principle from which the other three factors are derived and to which they are related. If the reproduction of a copyrighted work reduces the potential market and sales and, therefore, the potential profits of the copyright owner, that use is unlikely to be found a fair use.

### **Permission For Copying In Excess Of Fair Use**

All employees, including faculty, must obtain written permission from the copyright owner to copy a large portion of a work or an entire work, or to produce multiple copies of chapters or periodical articles in excess of fair use.

### **Printed Materials – Works That May Be Used Freely**

Occasionally, scholarly publications such as journal articles include a note offering the right to copy for educational purposes. Some categories of publications are in the public domain; that is, their use is not protected by copyright law:

- Publications more than 75 years old.
- Works that do not include a copyright notice and were first published before January 1, 1978.
- Most United States government documents.

Once a work has acquired public domain status, it is no longer eligible for copyright protection. Before assuming that a work is in the public domain, research its status. The new Term Extension Act (PL 105–298) enacted by Congress, November 1998, extends to term of a work’s copyright protection for an additional 20 years before it passes into public domain.

### **Photocopy**

The agreement on Guidelines for classroom copying below, though widely considered to be too restrictive for academic needs, does define the limits within which we can be sure of complying with copyright law. Somewhat more extensive copying may be sanctioned by the fair use guidelines.

The purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under Section 107 of H.R. 2223. The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; and conversely that in the future other types of copying not permitted under these guidelines may be permissible under revised guidelines.

Moreover, the following statement of guidelines is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in Section 107 of the Copyright Revision Bill. There may be instances in

which copying which does not fall within the guidelines stated below may nonetheless be permitted under the criteria of fair use.

### **Single Copies for Scholarly Needs**

A single copy may be made of any of the following by or for a teacher at his or her individual request for his or her scholarly research or use in teaching or preparation to teach a class:

- A chapter of a book.
- An article from a newspaper or periodical.
- A short story, short essay, or short poem, whether or not from a collective work.
- A chart, diagram, drawing, graph, cartoon, or picture from a book, periodical or newspaper.

### **Multiple Copies for Classroom Use**

Multiple copies (not to exceed in any event more than one copy per pupil in a course) may be made by or for the teacher giving the course for classroom use or discussion, provided that:

- The copying meets the tests of brevity and spontaneity as defined below; and,
- Meets the cumulative effect test as defined below; and,
- Each copy includes a notice of copyright.

### **Definitions:**

- **Brevity:**

(1) Prose: Either (1) a complete article, story or essay of less than 2,500 words, or (2) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event an excerpt of up to 500 words.

(2) Poetry: (1) A complete poem if less than 250 words and if printed on not more than two pages, or (2) an excerpt of not more than 250 words.

(Each of the numerical limits above may be expanded to permit the completion of an unfinished prose or line of a poem).

(3) Illustration: One chart, graph, diagram, drawing, cartoon or picture per book or periodical issue.

(4) Special Works: Certain works in poetry or prose or in "poetic prose", which may combine language with illustrations and which fall short of 2,500 words, may not be reproduced in their entirety. However, an excerpt comprising not more than two of the published pages of such a work, and containing not more than 10% of the words found in the text, may be reproduced.

- **Spontaneity**

(1) The copying is at the instance and inspiration of the individual instructor.

(2) The inspiration and decision to use the work and the moment of its use for maximum teaching effectiveness are so close in time that it would be unreasonable to expect a timely reply to a request for permission.

- **Cumulative Effect**

(1) The copying of the material is for only one course, at Nashville State, with no more than one copy per student in the course.

(2) Not more than one short poem, article, story, essay or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during a term.

(3) There shall not be more than nine instances of such multiple copying for one course during a term.

(The limitations stated above shall not apply to current news periodicals and newspapers and current news sections of other periodicals)

- **Prohibitions Concerning Copying**

- Copying shall not be used to create or to replace or substitute for anthologies, compilations or collective works. Such replacement or substitution may occur whether copies of various works or excerpts there from are accumulated or reproduced and used separately.

- There shall be no copying of or from works intended to be "consumable" in the course of study or of teaching. These include workbooks, exercises, standardized tests and test booklets and answer sheets and like consumable materials.

- Copying shall not substitute for the purchase of books, publishers' reprints or periodicals.

- Copying shall not be directed by higher authority.
- Copying shall not be repeated with respect to the same item by the same teacher from term to term.
- No charge shall be made to the student beyond the actual cost of the photocopying.

### **Course Packets**

Copyright litigation involving academic users has focused on those "anthologies", which are perceived as substituting for textbooks and thus as reducing the potential market for copyrighted publications. Every article or chapter in a course packet, if derived from copyrighted material, requires permission, either from the copyright owner (usually the publisher) or through a royalty fee paid to the Copyright Clearance Center. Each item in the packet also must include a notice of copyright e.g., "Copyright 1990 by Academic Books, Inc." Individuals who purchase course packets should not be charged in excess of production cost and any royalty fees. Call the Library for help on seeking permission or help in finding publishers' addresses. Expect several weeks' delay in cases where copyright owners are elusive.

### **Music for Educational Purposes**

The following segment, which is an official part of the Copyright Act's legislative history, defines guidelines within which we can be sure of copying with copyright law when copying music. Somewhat more extensive copying may be sanctioned by the fair use provisions of the law.

The purpose of the following guidelines is to state the minimum and not the maximum standards of educational fair use under '107 of H.R. 2223 is below:

The parties agree that the conditions determining the extent of permissible copying for educational purposes may change in the future; that certain types of copying permitted under these guidelines may be permissible in the future, and conversely that in the future other types of copying not permitted under these guidelines may be permissible under revised guidelines.

Moreover, this statement is not intended to limit the types of copying permitted under the standards of fair use under judicial decision and which are stated in '107 of the Copyright Revision Bill. There may be instances in which copying which does not fall within the guidelines stated below may nonetheless be permitted under the criteria of fair use.



- **Permissible Uses**

- Emergency copying to replace purchased copies which for any reason are not available for an imminent performance provided purchased replacement copies shall be substituted in due course.
  - a. For academic purposes other than performance, single or multiple copies of excerpts of works may be made, provided that the excerpts do not compromise a part of the whole which would constitute a performable unit such as a section, movement or aria, but in no case more than 10 percent of the whole work. The number of copies shall not exceed one copy per pupil.
- For academic purposes other than performance, a single copy of an entire performable unit (section, movement, aria, etc.) that is, (1) confirmed by the copyright proprietor to be out-of-print or (2) unavailable except in a larger work, may be made by or for a teacher solely for the purpose of his or her scholarly research or in preparation to teach a class.
- Printed copies which have been purchased may be edited or simplified provided that the fundamental character of the work is not distorted or the lyrics, if any, altered or lyrics added if none exist.
- A single copy of recordings of performances by students may be made for evaluation or rehearsal purposes and may be retained by the educational institution or individual teacher.
- A single copy of a sound recording (such as a tape, disc or cassette) of copyrighted music may be made from sound recordings owned by an educational institution or an individual teacher for the purpose of constructing aural exercises or examinations and may be retained by the educational institution or individual teacher. (This pertains only to the copyright of the music itself and not to any copyright which may exist in the sound recording.)

- **Prohibitions**

- Copying to create or replace or substitute for anthologies, compilations or collective works.
- Copying of or from works intended to be "consumable" in the course of study or of teaching such as workbooks, exercises, standardized tests and answer sheets and like material.
- Copying for the purpose of performance, except as in (1) above.
- Copying for the purpose of substituting for the purchase of music, except as in (1) and (2) above.

- Copying without inclusion of the copyright notice which appears on the printed copy.
- **Packets of Photocopied Music Excerpts** See section above, "Course Packets."

### **Photocopies Obtained Through Interlibrary Loan**

Section 108(d) of the Copyright Law of 1976 specifies that a library may copy "no more than one article or other contribution to a copyrighted collection or periodical issue, or . . . a small part of any other copyrighted work." The copy must become the property of the requestor, and its use is limited to "private study, scholarship, or research."

Interlibrary Loan activities are further restricted in the aggregate by the "Commission on New Technological Uses of Copyrighted Works (CONTU) Guidelines", which cap the amount of photocopying the Interlibrary Loan office can request for the College community in any calendar year without paying royalties. The thrust of the "Guidelines" is to quantify the maximum number of photocopied articles that can be requested from the most recent five years of a periodical to which the library does not subscribe. Individuals requesting copies in excess of the CONTU allowance may be asked to pay a royalty or the fee necessary to obtain such copies commercially.

### **Notice – Warning Concerning Copyright Restrictions**

1. The Library is legally obligated to display prominently the following notice and to include the same text on all Interlibrary Loan request forms:

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material.

Under certain conditions specified in the law, libraries and archives are authorized to furnish a photocopy or other reproduction. One of these specified conditions is that the photocopy or reproduction is not to be "used for any purpose other than private study, scholarship, or research." If a user makes a request for, or later uses, a photocopy or reproduction for purposes in excess of "fair use," that user may be liable for copyright infringement. The College reserves the right to refuse to accept a copying order if, in its judgment, fulfillment of the order would involve violation of copyright law.

## **Photocopy Machines**

Every photocopy machine on campus must include effective signage incorporating the following text:

Notice: The copyright law of the United States (Title 17 U.S. Code) governs the making of photocopies or other reproductions of copyrighted material. The person using this equipment is liable for any infringement.

When so posted, the law (Section 108(f) (1) gives libraries and archives protection from liability from contributory infringement when patrons use reproducing equipment provided by the library or archive. Though aimed primarily at photocopiers, the law is broad enough to include other types of equipment including computers and audio-visual equipment which is available for unsupervised use. Notices should be displayed on all such equipment.

## **Library Reserve**

At the request of a faculty or staff member, the library may place on reserve photocopied excerpts from copyrighted works in its collection in accordance with guidelines governing formal classroom distribution for face-to-face teaching discussed above. The College believes that these guidelines apply to the library reserve shelf to the extent that it functions as an extension of the classroom or reflects an individual student's right to photocopy for personal scholastic use under the doctrine of fair use. In general, librarians may keep photocopies of copyrighted materials on reserve for the convenience of students both in preparing class assignments and in pursuing informal educational activities that higher education requires, such as advanced independent study and research.

If the request calls for only one copy of an item to be placed on reserve, the library may place on reserve an entire article, or an entire chapter from a book, or an entire poem. Requests for multiple copies on reserve should meet the following guidelines:

1. The amount of material should be reasonable in relation to the total amount of material assigned for one term of a course taking into account the nature of the course, its subject matter and level (17 U.S. C. 107(1) and (3)).
2. The number of copies should be reasonable in light of the number of students enrolled, the difficulty and timing of assignments, and the number of other courses that may assign the same material (17 U.S.C. 107 (1) and (3)).
3. The material should contain a notice of copyright (see 17 U.S.C. 401).
4. The effect of photocopying the material should not be detrimental to the

market for the work. (In general, the library or the instructor should own a copy of the work.) (17 U.S.C. 107 (4)).

- How many photocopies of an item may be placed on reserve?

The Library routinely accepts single photocopies of copyright-protected chapters, articles, etc. The photocopies are considered to be the instructor's property. Although copyright law prohibits libraries from systematic copying to enhance their collections, an instructor may provide duplicate photocopies (five at most) when a course is large enough to require more than one copy of an assigned photocopy. If an original is not owned by the Library or the instructor, the instructor must provide written permission or indication of royalty payment for photocopies in excess of one.

- How many photocopied items are permitted on reserve for a course?

1. Items from one source. The amount of material should be reasonable in relation to the size of the source. Ordinarily, two chapters from a book or two articles from a periodical would be considered reasonable. Greater proportions of copyright-protected sources will be accepted for reserve only with written permission from the copyright owner or indication of royalty payment.

2. Items from multiple sources. There are several relevant considerations, including the four factors which determine fair use; the Guidelines for Classroom Copying In Not-For-Profit Educational Institutions; and recent judicial history. A reasonable number will, in most instances, be less than six, but factors such as the length or difficulty of the assignment, the number of enrolled students, and the length of time allowed for completion of the assignment may permit more in unusual circumstances. Still, the quantitative threshold for exceeding fair use is problematic. However, current opinion on academic applications of the copyright law is consistent in regard to course packets derived from copyright-protected materials as outside the bounds of fair use. Consequently, course packets will not be accepted for library reserve without indication of the necessary permission or royalty payment.

## **Notice and Citation**

Copies on Reserve must be marked with the following:

NOTICE: This material may be protected by copyright law (Title 17 U.S. Code).

Copies on reserve must also include a complete citation for the source.

- Music Reserves

Special restrictions apply to music reserves. (See section on photocopying music).

## **Unpublished Works**

Manuscripts, letters and other unpublished materials are likely to be protected by copyright regardless of age, even if they lack a notice of copyright. Consult a Librarian for assistance. Copies may usually be made for individual researchers under the law's Fair Use provisions.

## **Audiovisual Materials**

### **1. Films and Video**

- Classroom Use

Possession of a film or video does not confer the right to show the work. The copyright owner specifies, at the time of purchase or rental, the circumstances in which a film or video may be "performed." Use of these media is permitted in an educational institution so long as certain conditions are met.

Section 110 (1) of the Copyright Act of 1976 specifies the following conditions: Performance or display of a work by instructors or pupils in the course of face-to-face teaching activities of a non-profit educational institution, in a classroom or similar place devoted to instruction, unless, in the case of a motion picture or other audiovisual work, the performance, or the display of individual images is given by means of a copy that was not lawfully made...and that the person responsible for the performance knew or had reason to believe was not lawfully made.

Additional text of the Copyright Act and portions of the House Report (941476) combine to provide the following, more detailed list of conditions [from Virginia M. Helms, *supra*]:

- a. They must be shown as part of the instructional program.
- b. They must be shown by students, instructors, or guest lecturers.

- c. They must be shown either in a classroom or other school location devoted to instruction such as a studio, workshop, library, gymnasium, or auditorium if it is used for instruction.
- d. They must be shown either in a face-to-face setting or where students and teacher(s) are in the same building or general area.
- e. They must be shown only to students and educators.
- f. They must be shown using a legitimate (that is, not illegally reproduced) copy with the copyright notice included.

Further, the relationship between the film or video and the course must be explicit. Films or videos, even in a "face-to-face" classroom setting, may not be used for entertainment or recreation, whatever the work's intellectual content.

- Use Outside the Classroom

Besides use in classrooms, videocassettes and videodiscs that are owned by the College may ordinarily be viewed by students, faculty or staff at workstations or in small-group rooms such as those available in the Library. Larger audiences require explicit permission from the copyright owner for "public performance" rights. No fees for viewing a video are permitted even when public performance rights are obtained.

- Copying Videotapes/Off-Air Recording of Broadcasts, Including Satellite TV

Copying videotapes without the copyright owner's permission is illegal. An exception is made for libraries to replace a work that is lost or damaged if another copy cannot be obtained at a fair price [Section 108 of the Copyright Act of 1976].

Licenses may be obtained for copying and off-air recording. Absent a formal agreement, "Guidelines for Off-the-Air Recording of Broadcast Programming for Educational Purposes," an official part of the Copyright Act's legislative history, applies to most off-air recording by nonprofit educational institutions [from Virginia M. Helms, *supra*]:

- a. Videotaped recordings may be kept for no more than 45 calendar days after the recording date, at which time the tapes must be erased.
- b. Videotaped recordings may be shown to students only within the first 10 school days of the 45-day retention period.
- c. Off-air recordings must be made only at the request of an individual

instructor for instructional purposes, not by staff in anticipation of later requests.

d. The recordings are to be shown to students no more than two times during the 10-day period, and the second time only for necessary instructional reinforcement.

e. The taped recordings may be viewed after the 10-day period only by instructors for evaluation purposes, that is, to determine whether to include the broadcast program in the curriculum in the future.

f. If several instructors request videotaping of the same program, duplicate copies are permitted to meet the need; all copies are subject to the same restrictions as the original recording.

g. The off-air recordings may not be physically or electronically altered or combined with others to form anthologies, but they need not necessarily be used or shown in their entirety.

h. All copies of off-air recordings must include the copyright notice on the broadcast program as recorded.

i. These guidelines apply only to nonprofit educational institutions, which are further expected to establish appropriate control procedures to maintain the integrity of these guidelines.

Certain public broadcasting services (Public Broadcasting Service, Public Television Library, Great Plains National Instructional Television Library, and Agency for Instructional Television) impose similar restrictions but limit use to only the seven-day period following local broadcast [Virginia M. Helms, *supra*].

- Network Distribution of Video

The College negotiates for closed-circuit distribution rights, if possible, when purchasing access to satellite broadcasts or obtaining works on videotape. Without explicit permission for closed-circuit distribution, network transmission of a video is not permissible unless "Classroom Use" guidelines are met. (See, Classroom Use)

## 2. Sound Recordings

- NonMusic Recordings

Cassettes or disks may not be copied unless replacement recordings from a commercial source cannot be obtained at a fair price. Recording brief excerpts is considered fair use, however.

- Music Recordings

A single copy may be made for the purpose of constructing aural exercises or examinations. Otherwise, the restrictions on copying nonmusic recordings apply.

### 3. Slides and Photographs

- Reproduction

Whenever possible, the college will either purchase slides and photographs from authorized sources or will borrow from institutions which offer licensing for single-copy reproduction. In either case, further copying would be prohibited.

Occasionally, slides of copyrighted images that are needed for classroom purposes cannot be obtained readymade in a timely fashion. If the process of slidemaking would fail to meet Fair Use requirements, the requestor must demonstrate that the copyright owner has granted permission.

- Display

Copyright ownership of slides and photographs encompasses control over display as well as reproduction. However, Section 110 of the Copyright Act of 1976 addresses the display of copyrighted slides and photographs in educational settings by allowing "display of a work by instructors or pupils in the course of face-to-face teaching activities of a nonprofit educational institution, in a classroom or similar place devoted to instruction" so long as the copy of the artwork was lawfully made. Furthermore, the purpose of the display must be integral to the course.

### **Educational Multimedia Fair Use**

This section of the policy summarizes key elements of the Educational Multimedia Fair Use Guidelines (1996). These guidelines were developed due to the efforts of the Consortium of Colleges and Universities Media Centers (CCUMC) which convened a group of interested parties to develop guidelines to assist educators, scholars, and students in determining fair use when including portions of copyrighted works in multimedia programs. This group became a part of the Conference on Fair Use (CONFU), which met for two years attempting to negotiate guidelines for educational uses of digital works. These guidelines do not represent a legal document and are not



legally binding. They do represent an agreed upon interpretation of the fair use provisions of the Copyright Act by the institutions and organizations which endorsed them. While only the courts can decide if a particular use of copyrighted materials falls within the fair use provisions, the guidelines are an attempt to give educators and students some quantitative guidance in using copyrighted works in their multimedia projects. The Guidelines specify how much of copyright-protected sources may be included in multimedia products prepared by students or faculty members for course-related work. Use of larger portions requires permission from copyright owners. Educators may use their Multimedia production containing copyrighted material for teaching purposes for up to two years after the first instruction with a class. Use in the classroom beyond two years requires obtaining permission for each copyrighted portion. If an educator wants to commercially reproduce or distribute the work, copyright permission must be obtained for all copyrighted material included. Creators of multimedia products may prepare no more than three copies -- one copy for use, one for library reserve, and one for preservation and replacement purposes only. An exception is allowed for joint projects: each principal creator may retain a copy.

- Portion Limitations by Media Type
  - Motion Media  
Up to 10% or 3 minutes of a single source, whichever is less.
  - Text  
Up to 10% or 1000 words of a source, whichever is less. An entire poem of less than 250 words, but no more than 3 poems or excerpts by one poet. No more than 5 poems or excerpts from one anthology.
  - Music, Lyrics, Music Video  
Up to 10% but not more than 30 seconds total from an individual work.
  - Illustrations, Photographs  
No more than 5 images by one artist or photographer. No more than 10% or 15 images, whichever is less, from any single published work.
  - Numerical Data Sets  
Up to 10% or 2500 fields or cell entries, whichever is less.
  - Internet Sources  
Though it can be difficult to determine what is copyright protected and what is in the public domain, the multimedia creator is responsible for adhering to copyright law.
- Notice – Opening Screen

The following notice must be displayed on the opening screen and on any accompanying print material:

"Certain materials are included under the fair use exemption of U.S. Copyright Law and have been prepared according to the educational multimedia fair use guidelines and are restricted from further use."

Sources must be credited and the copyright notice and ownership information display if shown in the original source. Crediting the source must adequately identify the source of the work, giving a full bibliographic description where available (including author, title, publisher, and place and date of publication). The copyright notice includes the word "Copyright" or the copyright symbol, the name of the copyright holder, and the year of first publication.

- Integrity of Sources

Any alterations of copyrighted items must be noted.

### **Computer Software and Information Technology**

Keep in mind that any information or work accessible using information technology has the same copyright protection as a work in a traditional print format. So the content of a commercial database, text and images found on the Internet, web pages, and even e-mail messages are potentially copyrighted works which should not be used without the permission of the copyright holder or used only within the guideline of fair use or any negotiated licensing agreement.

The College negotiates site licenses with software vendors whenever possible for software products that are selected for extensive use. These arrangements provide the College community with efficient access to computer programs that support the curriculum, while assuring the copyright owner a fair royalty.

Software products that are not licensed to the College may also be used. However, copying is strictly limited except for backup purposes. Whether the software is transferred from the original to a hard disk or to an archival diskette, the backup copy is not to be used as long as the other copy is functional. Employees of the College are expected to use software in compliance with the licensing agreement.

Copyright law is acknowledged to be inadequate in relation to the complexities of software use. EDUCAUSE, a nonprofit organization that supports the use of technology

in education, launched the EDUCAUSE Software Initiative, which developed a statement of principle intended for adaptation and use by individual colleges and universities. Its text is reproduced in full below:

#### A. The EDUCAUSE/Code-Software and Intellectual Rights

Respect for intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledgment, right to privacy, and right to determine the form, manner, and terms of publication and distribution.

Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations, may be grounds for sanctions against members of the academic community.

#### Digital Millennium Copyright Act

The Digital Millennium Copyright Act signed into law on October 28, 1998 includes limitations for service provider liability relating to materials online. The new subsection of the copyright law provides limitations on service provider liability with respect to information residing, at the direction of a user, on a system or network that the service provider controls or operates, if the service provider has designated an agent for notification of claimed infringement by providing contact information to the Copyright office and via through the service provider's publicly accessible website (17 U.S. Code 512 c). Nashville State has designated the ? as the agent who will receive notifications of claimed infringements.

Contact Information:

Source: Copyright Act of 1976  
Digital Millennium Copyright Act of 1998  
Approved:

**Attachment F-1****Appendix 11****Policy statement regarding the possession and use of weapons by security personnel and any other person:**

As provided in Tennessee Code Annotated §39-17-1309, any unauthorized or illegal possession of, use of, or wearing of firearms or dangerous weapons of any kind shall not be permitted on the Nashville State Community College.

Weapons shall include, though not exclusively, the following:

- An explosive or an explosive weapon. Explosive weapon means any explosive, incendiary or poisonous gas bomb, grenade, rocket, mine or shell, missile or projectile that is designed, made or adapted for the purpose of inflicting serious bodily injury, death or substantial property damage.
  - A device principally designed, made or adapted for delivering or shooting an explosive weapon.
  - Any knife that has a blade that opens automatically by applied pressure, gravity or inertia, bowie knife, hawk bill knife, or other weapons of like kind.
  - Any other device used for infliction of serious bodily injury or death that has no common lawful purpose.
- On July 1, 2016, T.C.A. § 39-17-1309(e)(9) was amended allowing full-time employees of public institutions of higher education who possess a valid handgun carry permit issued under T.C.A. § 39-17-1351 to carry a concealed handgun on property owned, operated, or controlled by VSCC. Full-time employees must meet specific requirements.

The right for employees to carry concealed handguns is subject but not limited to the following conditions:

1. Employees shall not carry a handgun openly or in any other manner in which the handgun is visible to ordinary observation by a reasonable person (concealed).
2. Employees shall have their handgun carry permit in their immediate possession all times when carrying a handgun and display the permit at the request of a law enforcement officer.
3. Employees shall not carry a weapon other than a handgun.
4. Employees shall not carry a handgun at the following times or at the following locations:
  - Stadiums, gymnasiums, or auditoriums where College-sponsored events are in progress;
  - In meetings regarding student or employee disciplinary matters;
  - In meetings regarding tenure or promotion issues

## Appendix 12

**NSCC EVACUATION AND SAFE AREAS**

Critical Incident Response Plan for severe weather (tornado) and Evaluation Plan for other emergencies (fire, bomb, etc.)

**A Building**

Safe areas: All three A building restrooms  
Evacuation: Exit doors leading to rear parking lot

**C Building**

Safe areas: Lower level hallways and restrooms  
Evacuation: Out back or side doors to rear parking lot

**D Building**

Safe areas: D-13 (Career Center), D-40 (Records vault), conference room off D-7, and ladies' lounge (at rear of building)  
Evacuation: Exit rear exit doors to rear parking lot or basketball court

**E Building**

Safe areas: All restrooms  
Safe areas: First Floor men's and ladies' restrooms  
Evacuation: First Floor kitchen

**K Building**

Safe areas: All restrooms  
Evacuation: Downstairs restrooms and lower inner hallways, K-120 (both A & B sections)

**"H" Buildings**

Safe areas: First Floor Office Suite H-130 First Floor

- First Floor hallway by H-110, H-111, H-112
- First Floor men's and ladies' restrooms
- First Floor kitchen
- First Floor Room H-122: Mechanical Room
- First Floor Room H-124: Storage Room
- First Floor Office Suite H-130

Second Floor

- Second Floor men's and ladies' restrooms
- Second Floor men's and ladies' locker rooms
- Second Floor Rooms H-223, H-224, H-225, H-227, H-228, H-230, and H-231

Evacuation: Out exit doors to rear parking lot.

## NSCC EVACUATION AND SAFE AREAS

PEG TV: Studio Building

Safe areas: Restrooms

Evacuation: Out front door to rear parking lot

### W Building

Safe areas: W-40 thru W-69 hallway and adjacent interior office area. W-91 thru W-88

Hallway. Also restrooms off Main Lobby

B section interior hallway and adjacent interior office area,

W-90/93 hallway, W-102 hallway, W-103 classroom, and

restrooms off main lobby W-90 hallway and Financial Aid hallway to rear parking lot.

Evacuation: W-98 hallway exit doors and hallways leading to the rear parking lot

This plan is presented by Nashville State Community College Safety & Security, along with the Emergency Procedures Committee and was prepared in consultation with the Response Coordinator of the Mayor's Office of Emergency Management and Director of Natural Hazards for the TN Emergency Management Agency

## Appendix 13

**U.S.A. PATRIOT Act Information Request Policy****Introduction**

The U.S.A. PATRIOT Act was enacted on October 26, 2001, in response to the terrorist attacks of September 11, 2001. The Patriot Act is designed to broaden the surveillance capabilities of law enforcement agencies in an effort to achieve early detection of potential terrorist plots. Pursuant to the provisions of The Patriot Act and acting under the authority of a valid court order, law enforcement agencies may request various forms of information, records, documents or data from institutions of higher education. Such data includes, but is limited to, records of borrowed print materials, records of internet access, email communication records and telephone usage records. The Patriot Act authorizes law enforcement agencies to install devices to monitor computer access and telephone usage, at the enforcement agency's expense, in libraries and/or information systems departments if necessary to implement the purposes of the Act.

The provisions of The Patriot Act supercede Tennessee law regarding the confidentiality of library records. Under Tennessee law, a public patron's library records are not public records. Such records are classified as confidential, and library personnel may only disclose the content of those records in certain circumstances permitted by law. Tennessee law permits disclosure of a public patron's library records if: (1) the patron consents; (2) the library must disclose the information to obtain reimbursement for the return of lost or stolen materials; and/or (3) the records requested are pursuant to a court order. In addition to the aforementioned circumstances delineated by state law, The Patriot Act specifies that confidential library records of a patron must be disclosed if a legitimate request for such records from a law enforcement agency is provided as required by the Act.

**Institutional Policy****A. Record Maintenance and Retention**

Records of personal computer identification accounts that require individuals to log onto the campus system may be subject to review by a law enforcement agency under The Patriot Act. NSCC will maintain accurate computer usage logs, and retain the

records in accordance with state mandated record retention guidelines for the college. Records shall not be destroyed prior to the date authorized by the retention guidelines, or as a method to avoid compliance with an official request for records.

NSCC issues each student and employee an individual computer identification account (log in name and password) for access to the institution's computer network. The maintenance of accurate computer usage logs occurs electronically through the individual user's log in/log out process. In the event that law enforcement officials request information regarding general computer access or a specific individual, NSCC shall comply with the request by searching its electronic database of authorized users' log in access to the network.

NSCC informs network users, in its computer use policy, of their responsibility to consistently utilize the log in/log out procedures when accessing the institution's computer network. Users are also informed that they are responsible for any computer files, databases, and/or internet sites that are accessed through their computer identification account, notwithstanding their failure to adhere to the log in/log out process, or their voluntary publication of their account information to others.

#### B. Voluntary Reporting of Suspicious Activity

The Patriot Act authorizes voluntary disclosure of the contents of electronic communication to law enforcement officials if the provider reasonably and objectively believes that the institution's computer system has been compromised such that an emergency involving immediate danger of death or serious physical injury may occur without disclosure to a law enforcement agency. Personnel suspecting a breach of the institution's computer network should discuss the concern with the department's director/dean, providing appropriate documentation or evidence if available. The director/dean shall investigate the situation. The director/dean shall then consult with the appropriate vice president prior to disclosure to law enforcement.

#### C. Users Notice

NSCC will post notices to users in its computer laboratories informing them that The Patriot Act authorizes law enforcement agencies, acting pursuant to a valid court order, to compel personnel to disclose confidential information about their electronic communication via email; their computer access of the internet and other network databases; and/or records of their telephone usage.



## D. Employee Training

Training of all staff (including student employees and volunteers) is necessary for the implementation of this policy. Departments shall provide all employees a written copy of the policy and adequate training regarding the policy to understand their roles in its implementation.

### **Response to Requests from Law Enforcement**

In any situation in which a law enforcement agency requests previously documented information pursuant to a court order, search warrant, or subpoena; and/or any type of assistance in monitoring information in the future, administrators should contact the Vice President of Academic Affairs. Upon his/her arrival at the institution, the law enforcement officer shall be directed to the Vice President of Academic Affairs who is responsible for directly communicating with officials. In the absence of the Vice President of Academic Affairs, the Vice President of Community/Economic Development shall be responsible for acting on her behalf.

If a law enforcement officer presents a court order (i.e., warrant or subpoena), the Vice President of Academic Affairs shall do the following: (1) cooperate with the officer (after verifying that he/she is properly affiliated with a legitimate law enforcement agency and requesting the information for action within the scope of his/her employment with that agency; (2) implement the appropriate steps of the institution's policy.

The Vice President of Academic Affairs will maintain accurate, comprehensive, and confidential written documentation of each request for information from law enforcement personnel.

### **FERPA**

The Patriot Act amended certain provisions of the Family Educational Rights and Privacy Act (FERPA). Specifically, the amendments grant educational institutions the authority to disclose, without consent or knowledge of the student or parent, personally identifiable information from the student's education records to the Attorney General of the United States or his designee in response to a court order (*ex parte* order from the Attorney General, grand jury subpoena, or law enforcement

subpoena) in connection with the investigation or prosecution of terrorism crimes. Under The Patriot Act, an institution of higher education will not be held liable to any person for the production of educational records to law enforcement personnel in accordance with an order issued under The Patriot Act if the institution acts in good faith. Moreover, the amendment to FERPA does not require the institution to record the disclosure of information from a student's education record when making a disclosure to a law enforcement agency under The Patriot Act.

## Appendix 14

**Guideline P-080****Subject: Discrimination and Harassment – Complaint and Investigation Procedure****IMPORTANT:** Other Available Complaint Procedures

An aggrieved individual may also have the ability to file complaints with external agencies such as the Equal Employment Opportunity Commission (EEOC), the Tennessee Human Rights Commission (THRC), the Office of Civil rights (OCR), and the courts. Please note that the deadlines for filing with external agencies or courts may be shorter than the deadline established for filing a complaint under this Guideline. Examples of shorter deadlines include, but are not limited to 180 days to file a complaint under Title VI & Title IX, as well as 300 days to file a complaint under Title VII.

**I. Purpose**

The purpose of this Guideline is to supplement Board Policies 2:02:10:01 and 5:01:02:00 relative to the orderly resolution of complaints of discrimination or harassment on the basis of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, and any other category protected by federal or state civil rights law related to the institutions, technology centers, and office of the Tennessee Board of Regents. 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 pursuant to Section IV.B of this Guideline, 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. Using the procedures outlined in Section IV below, supervisory employees must promptly report, to the appropriate institutional contact, any complaint or conduct which might constitute harassment, whether the information concerning a complaint is received formally or informally. Failure to do so may result in disciplinary action up to and including termination.

All faculty members, students and staff are subject to this Guideline. Any faculty member, student or staff found to have violated this Guideline 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 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 strict obligations on employers with regard to discrimination and harassment, institutions must take measures to periodically educate and train employees regarding conduct that could violate this Guideline. All employees, including faculty members, are expected to participate in such education and training. Further, all faculty members, students

and staff are responsible for taking reasonable and necessary action to prevent and discourage all types of discrimination and harassment.

## **II. General Statement**

It is the intent of the Tennessee Board of Regents that the Board and all of the institutions within the Tennessee Board of Regents System shall fully comply with the applicable provisions of federal and state civil rights laws, including but not limited to, Executive Order 11246, as amended; the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act of 1990, as amended; the Vietnam Era Veterans Readjustment Act of 1974, as amended; the Equal Pay Act of 1963, as amended; Titles VI and VII of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972, as amended; the Age Discrimination in Employment Act of 1967; the Age Discrimination Act of 1975; the Pregnancy Discrimination Act; the Genetic Information Nondiscrimination Act of 2008; and regulations promulgated pursuant thereto. The Board of Regents will promote equal opportunity for all persons without regard to race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, and any other category protected by federal or state civil rights law.

Campuses and the Central Office affirm that they will not tolerate discrimination against any employee or applicant for employment because of race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, or genetic information, nor will they tolerate harassment on the basis of these protected categories or any other category protected by federal or state civil rights law. 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, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, or any other category protected by federal or state civil rights law.

### **A. Discrimination**

Discrimination may occur by:

1. Treating individuals less favorably because of their race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, or any other category protected by federal or state civil rights law; or,
2. Having a policy or practice that has a disproportionately adverse impact on protected class members.

### **B. Harassment**

1. Harassment based on a protected class

Harassment is conduct that is based on a person's race, color, religion, creed, ethnic or national origin, sex, sexual orientation, gender identity/expression, disability, age (as applicable), status as a covered veteran, genetic information, or any other category protected by federal or state civil rights law, that

- Adversely affects a term or condition of an individual's employment, education, participation in an institution's activities or living environment;
- Has the purpose or effect of unreasonably interfering with an individual's employment or academic performance or creating an intimidating, hostile, offensive or abusive environment of the individual; or

- Is used as a basis for or a factor in decisions that tangibly affect that individual's employment, education, participation in an institution's activities or living environment.

Examples of such conduct include, but are not limited to verbal or physical conduct relating to an employee's national origin, race, surname, skin color or accent, offensive or derogatory jokes based on a protected category, racial or ethnic slurs, pressure for dates or sexual favors, unwelcome comments about a person's religion or religious garments, offensive graffiti, cartoons or pictures, or offensive remarks about a person's age.

Not every act that might be offensive to an individual or a group will be considered harassment. Whether the alleged conduct constitutes harassment depends upon the record as a whole and the totality of the circumstances, such as the nature of the conduct 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.

## 2. Examples of sexual harassment

Examples of sexual harassment include, but are not limited to, the following:

- Refusing to hire, promote, or grant or deny certain privileges because of acceptance or rejection of sexual advances;
- Promising a work-related benefit or a grade in return for sexual favors;
- Suggestive or inappropriate communications, email, 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;
- Sexual innuendoes, comments, and remarks about a person's clothing, body or activities;
- Suggestive or insulting sounds;
- Whistling in a suggestive manner;
- Humor and jokes about sex that denigrate men or women;
- Sexual propositions, invitations, or pressure for sexual activity;
- Use in the classroom of sexual jokes, stories, remarks or images in no way or only marginally relevant to the subject matter of the class;
- Implied or overt sexual threats;
- Suggestive or obscene gestures;
- Patting, pinching, and other inappropriate touching;
- Unnecessary touching or brushing against the body;
- Attempted or actual kissing or fondling;
- Sexual violence; including rape, sexual assault, sexual battery, and sexual coercion;
- Suggestive or inappropriate acts, such as comments, innuendoes, or physical contact based on one's actual or perceived sexual orientation, gender identity/expression.

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

Please note that incidents of sexual violence may constitute criminal acts and as such, investigation and processing by the criminal justice system, local police, campus security and crisis intervention centers may occur in addition to the process developed under this Guideline. Complainant must be notified of his/her right to file a criminal complaint.

## III. 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.

#### **IV. Procedures**

##### **A. General**

1. 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.
2. The Office of General Counsel shall always be consulted prior to investigation. If institutions have on-campus legal counsel, that office must be consulted. Hereinafter, references to "Legal Counsel" shall mean either the Office of General Counsel or on-campus legal counsel, as appropriate.
3. 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.
4. 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 Guideline, Board policy, and federal law.

##### **B. Filing Complaints**

1. 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 an institution or technology center 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 Guideline.
2. 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.
3. 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. Appendix A is a sample complaint form. The complaint shall be signed by the Complainant. However, when the Complainant chooses not 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.

4. If the complaint does not rise to the level of discrimination or harassment, the Investigator may 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.

### C. Investigation

1. 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/ Director that an investigation is being initiated.
2. When the allegation of discrimination or harassment is against the EEO/AA Officer, Student Affairs Officer, Title VI or Title IX Officer, the President/Director 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/TTC Director of the institution, the EEO/AA Officer shall notify the Office of the General Counsel who will assign an investigator who will make his/her report to the Chancellor.
3. When the Respondent is a student, the Student Affairs Office will investigate the complaint in compliance with the procedures outlined in this Guideline. If a finding of violation is made, any resulting disciplinary action will be undertaken in compliance with the institution's or technology center's student disciplinary procedures.
4. 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.
5. Investigation of complaints against employees of a Tennessee Technology Center (TTC) shall be initiated by the Vice Chancellor for Tennessee Technology Centers or his/her designee. In certain circumstances, the lead institution for the technology center may be asked to conduct the investigation. Investigations of complaints made against TTC students will be undertaken by TTC Student Services personnel. The TTC Directors are responsible for notifying the Vice Chancellor whenever a verbal or written complaint is made.
6. In consultation with and under the direction of Legal Counsel, the Investigator shall conduct an investigation of the complaint. This investigation shall include interviews with both the Complainant and the Respondent, unless either declines an in-person interview. The investigation shall also include interviews with relevant witnesses named by the Complainant and Respondent. The purpose of the investigation is to establish whether there has been a violation of the Guideline. It is the responsibility of the Investigator to weigh the credibility of all individuals interviewed and to determine the weight to be given information received during the course of the investigation.
7. 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 shall 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 Guideline.

8. The Investigator shall notify in writing the Respondent within five (5) working days of receipt of the complaint. The Respondent may respond in writing to the complaint within five (5) working days following the date of receipt of the Investigator's notification.
9. 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.
10. 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 the P-080 investigation and may, in itself, be grounds for disciplinary action.
11. 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. Either party has the right to end informal processes at any time. Mediation will not be used in cases involving sexual assault. 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/Director.
12. 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 Guideline, and recommendations regarding disposition of the complaint.

After review and approval by Legal Counsel, the report shall be submitted to the President/Director within sixty (60) calendar days following receipt of the complaint, absent cause for extending the investigation timeline. If the complaint involves a technology center, a copy of the final report should also be sent to the Vice Chancellor for Tennessee Technology



Centers. 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.

13. 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 P-080 violation, but that the conduct alleged, had it been substantiated, could be found to violate this Guideline. 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 legally actionable discrimination or harassment may, nevertheless, provide a basis for disciplinary action against the Respondent.
14. The President/Director shall review the Investigator's report, and shall make a final written determination, within a reasonable time as to whether a violation has occurred and, what the appropriate resolution should be. After the President/Director has made this determination, the Investigator shall, absent unusual circumstances and after consultation with Legal Counsel, provide both the Complainant and the Respondent with a copy of the determination, along with a copy of the Investigator's report.
15. If the investigation reveals evidence that a violation of the Guideline has occurred, the President/Director must take immediate and appropriate corrective action. Such action may include meeting with the Respondent and/or the Complainant and attempting to resolve the problem by agreement, except in the case of sexual assault. Appropriate steps must be taken to ensure that the discrimination or harassment will not reoccur.
16. After completion of the investigation and any subsequent disciplinary proceedings, all documentation shall be forwarded to Legal Counsel. However, copies of the President's/Director'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 P-080 matter 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.

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

#### D. Appeal of Decision

Because TBR institutions are committed to a high quality resolution of every case, each institution must afford the Complainant and Respondent an opportunity to appeal the

President's/Director's decision concerning Respondent's responsibility for the alleged conduct. The appeal process shall consist of an opportunity for the parties to provide information to the institution's attention that would change the decision. The appeal process will not be a *de novo* review of the decision, and the parties will not be allowed to present their appeals in person to the President/Director unless the President/Director determines, in his/her sole discretion, to allow an in-person appeal.

1. The institution shall provide written notice of the appeal process to the parties at the time that the parties are advised of the outcome of the investigation.
2. Either party may send a written appeal to the President/Director within ten (10) working days, absent good cause, of receipt of the President's/Director's determination. The appealing party(ies) must explain why her or she believes the factual information was incomplete, the analysis of the facts was incorrect, and/or the appropriate legal standard was not applied, *and* how this would change the determination in the case. Failure to do so may result in a denial of the appeal.
3. The President/Director will issue a written response to the appeal as promptly as possible. This decision will constitute the institution's final decision with respect to President's/Director's determination.

#### **V. Other Applicable Procedures**

If the President's/Director's decision includes disciplinary action, the procedures for implementing the decision shall be determined by the applicable policies relating to discipline (e.g., employee grievance/complaint procedure, student disciplinary policies, academic affairs policies).

#### APPENDIX A

Source Presidents Meeting: November 14, 1984 and November 16, 1984 AVTS Sub-Council meeting; August 16, 1988; February 14, 1989; November 10, 1992; August 13, 1996; February 13, 2001; August 16, 2005; November 8, 2005; February 13, 2008; February 14, 2012

## Appendix 15

**COMPENSATORY TIME POLICY**

For all employees on the service salary schedule, all time actually worked at Nashville State in excess of 37.5 hours per week will be compensated. The rate of compensation is 1:1 from 37.5 to 40 hours worked per week. All hours actually worked over 40 in a week are compensated at the rate of 1.5:1. Although holidays count as time worked, annual and sick leave days do not. **Compensatory time may be given as compensation for overtime in lieu of monetary compensation.**

An employee may accumulate up to 75 hours of compensatory time at any time. However, supervisors will approve the use of time as it relates to work requirements. **Compensatory time must be used prior to using annual leave.**

Annual Leave Accumulations and Maximums:

Years	Accumulation Maximum	Annual	Accumulation Difference
0-5	225.0	90.0	135.0
5-10	270.0	135.6	134.4
10-20	292.5	158.4	134.1
>20	315.0	180.0	135.0

Employees with a leave balance less than 135 hours can accrue compensatory time up to 75 hours. Employees who have an annual leave balance of more than 135 hours can elect to receive paid overtime.

- (7) The Nashville State bookstore will actively promote and publicize book buy-back programs.
- (8) Textbooks will be made available for student use at no cost through the academic division or through the institution's library, provided that such textbooks have been furnished at no charge by the publisher for this purpose.
- (9) All textbook inventory and monitoring by the Nashville State bookstore as set forth through this policy shall be accomplished by existing bookstore staff.

## **II. Institutional Policy Approval**

This policy was approved using the normal campus policy approval process. It was submitted for review through the college Executive Committee to the Student Life Council, Faculty Senate, Support Staff Assembly, and Administrative Assembly. It was then approved by the Executive Committee and President, and submitted to the Tennessee Board of Regents Office of Academic Affairs for review and approval.

**Appendix 17****INFORMATION REGARDING AMERICANS WITH DISABILITIES ACT**

Nashville State is responsible for notifying all employees on a periodic basis of the institution's obligations under section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 and specific prohibitions or requirements, such as:

1. There may be no discrimination on the basis of disability in any employment decision or action, policy, procedure, or practice.
2. Prior to posting or advertising any job, essential and nonessential functions of the job should be defined.
3. Alternate tests are available for applicants or employees with impaired sensory, manual, and speaking skills, and should be used whenever employee testing is affected by such impaired skills.
4. No pre-employment medical examinations are required by Nashville State.
5. There must be no discrimination based on disability in recruitment, advertising, or processing forms for employment.
6. Tests and criteria that screen out persons with disabilities must not be used. If anyone believes that persons with disabilities are screened out of the employment process, they should contact the Affirmative Action office immediately.
7. Pre-employment questions regarding one's ability to perform essential functions of a job effectively and safely may be asked.
8. Pre-employment questions regarding the nature or severity of disabilities may not be asked.
9. Reasonable accommodations will have to be made to the known physical and mental limitations of otherwise qualified persons with disabilities. Decisions regarding reasonable accommodations will be made in accordance with the Americans with Disabilities Act.
10. There may be no discrimination based on disability regardless of the provisions in contractual agreements with unions, employment or referral agencies, providers of fringe benefits, providers of training or apprenticeship programs, and similar organizations.
11. Recreational and social opportunities for employees must be provided equally to employees with disabilities.
12. Persons with disabilities must have an equal opportunity to access parking and housing facilities provided to employees.
13. There may be no discrimination based on disability in any leave programs, including sick leave, vacation, leaves of absence, etc.
14. There may be no discrimination based on disability in opportunities for apprenticeships, internships, and staff or professional development.
15. Applicants and employees with disabilities must not be counseled toward more restrictive careers than persons without disabilities.

**REQUESTING AN ADA ACCOMMODATION**

Qualified employees (faculty or staff) with disabilities who require ADA accommodations in order to perform their jobs more effectively must first contact the ADA Coordinator, at ext. 3305 or in room W-29. The employee must be willing to self-disclose his/her disability, according to policy, before any consideration can be made regarding a request for an accommodation. The employee will then be required to complete the ADA Self-Disclosure/Accommodations Request form and provide a Certification of Physicians statement, along with his/her job description, to the treating physician in order to document his/her disability.

Each request for an ADA accommodation is considered on an individual basis. For instance, two individuals with the same medical condition might receive different accommodations or one might not receive an accommodation based on other factors relative to his/her condition. For employees, please remember that items such as foot rests, back rests, special devices for personal computers, etc., are considered to be personal items according to purchasing policy. In order for the employee to purchase these items with college funds, he/she must first contact the ADA Coordinator, self-disclose a disability and request an accommodation under the ADA. After receipt of the required paperwork, further consideration of an accommodation will be made based on the physician's statement and available funding. In some cases, a reasonable, cost-effective alternative will be provided.

Faculty are not required to provide students with ADA accommodations unless they have been requested through our Student office. Please refer students who request ADA accommodations to Gina Jones, Disabilities Coordinator (353-3721-- for physical disabilities). She is located in the Student Services Building.