Purpose of the Staff Handbook

The purpose of the Staff Handbook is to help you become familiar with the staff policies and benefits at Carroll College.

The policies in this handbook have been approved by the Carroll College Staff Advisory Committee, the College Administration, and the Board of Trustees. This manual supercedes any previous editions.

Carroll College reserves the right to unilaterally modify or discontinue any of the policies or benefits contained in this Handbook. Any such action shall be made by a resolution adopted by the President. The effective date of any amendment to this Handbook will be the date the amendment is adopted by the Board, unless a different date is specified by the President. Any such action will apply to existing and future employees, with continued employment representing the consideration for and employee’s acceptance of the action. Exceptions to these policies may be granted by the President, but only if the exception and the reason for it is stated in writing by the President.

Department of Human Resources
Carroll College
CARROLL COLLEGE MISSION STATEMENT

Carroll College is a Catholic, diocesan, liberal arts college in the ecumenical tradition of the Second Vatican Council.

As a liberal arts school, Carroll College acknowledges the practical role of preparing its students for a career, but it also affirms the traditional role of providing for the expansion of the intellectual, imaginative and social awareness of its students. It is dedicated to providing for its students the means for their full realization of a dual goal of vocation and enlightenment. Thus, while providing substantial professional and pre-professional programs, the college encourages and expects all students to participate in a broad spectrum of academic disciplines.

As an academic community, Carroll College affirms its commitment to the principle of freedom of inquiry in the process of investigating, understanding, critically reflecting upon, and finally judging reality and truth in all fields of human knowledge.

As value-oriented, Carroll College is committed to and deeply involved in the further dimension of free deliberation and decision-making regarding values and personal commitment. Each student at Carroll, through personal and institutional means, is exposed to value systems with which one can readily identify, including secular values such as the worth of work and the use of the intellect, humanistic values centering on the uniqueness and dignity of the person, and religious and moral values concerned with one's relationship to God, self and others.

As a Catholic college, Carroll is obligated to treat judgments concerning ultimate reality and decisions concerning ultimate value at both an academic and pastoral level. This obligation involves the College's relationship to the Magisterium of the Catholic Church, defined as "the perennial, authentic and infallible teaching office committed to the Apostles by Christ and now possessed and exercised by their legitimate successors, the college of bishops in union with the pope." Carroll College is committed to present faithfully within its curriculum the magisterial teachings of the Catholic Church. At the same time, it acknowledges the special role of the theologian, who-although not a part of the authoritative teaching body of the Church-makes available to the Magisterium his or her scientific competence, while acting as a mediator between religion and culture by carrying on an academic dialogue with philosophy, science, the liberal arts, the believing community and secular society.

As a college founded by and related to the Diocese of Helena, Carroll has a special obligation to provide for the spiritual needs of the college community. At the same time the resources of the College's theology department, pastoral ministry program, and campus ministry organization are available for the special religious needs of the diocesan community as a whole. Moreover, Carroll College rededicates its spiritual, academic, and social resources to the service of the citizens of Montana, its home and to the worldwide human family through continuing efforts to guarantee to individuals, to groups, and especially to minorities, the right to life, to personal and social dignity, and to equality of opportunity in all aspects of human activity.

In the ecumenical tradition of the Second Vatican Council, Carroll College is committed to a policy of open participation by members of all religious faiths and all persons of good will in the total academic and spiritual experience of the college community. While standing fast by the teaching of the Catholic Church, and avoiding a false conciliatory approach foreign to the true spirit of ecumenism, Carroll College welcomes in love and respect the full participation of other Christians and non-Christians in an ecumenical dialogue and in a truly humble and charitable joint venture in the common search for the Ultimate Truth and the Ultimate Good which is the final goal of all education.

OFFICIALLY ADOPTED BY THE CARROLL COLLEGE BOARD OF TRUSTEES
MAY 26, 1978
Staff Manual

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I. Executive Administration

I. 1. Board of Trustees

Carroll College is incorporated under the laws of the State of Montana and as a corporation is vested with all the powers possessed by the corporation itself. The Board of Trustees has the entire management and control of the property, business, and affairs of Carroll College, as well as the establishment and review of all goals, educational policies and practices. All college matters are subject to review, change, and approval by the Board of Trustees. While maintaining a general overview, the Board entrusts the conduct of administration to the President and through the President to other administrative offices.

I. 2. President

The President is appointed by the Board of Trustees as the chief executive officer of the college. The President is an ex-officio member of the Board of Trustees and official advisor to, and the Executive Agent of, the Board of Trustees. The President shall carry out the specific directives of the Board of Trustees and is responsible for the organization and management of the college. It is the duty and responsibility of the President to ensure that the standards and procedures for operation within the college are in accordance with the mission of the college and the policies established by the Board.

All administrative officers work with the President in planning, organizing and directing the work of the college. By virtue of office, the President is head of the faculty of Carroll College. The President works for the public understanding of the mission and role of Carroll College as an academic institution.

I. 3. Vice President for Academic Affairs

The Vice President for Academic Affairs supervises all matters pertaining to the academic programs and personnel of the college. The appointment to this office is made by the President of Carroll College after consultation with the Board of Trustees. The Vice President for Academic Affairs serves as the chief executive officer of Carroll College in the absence of the President and by delegation of the President. Next to the President, the Vice President for Academic Affairs takes precedence in academic rank and administrative affairs over other administrative officers, faculty and staff.

I. 4. Vice President for Finance and Administration

The Vice President for Finance and Administration is the chief financial officer of the college and also serves as the Secretary and Treasurer of Carroll College. The Vice President for Finance and Administration is appointed by the President after consultation with the Board of Trustees and is accountable to the President for the fulfillment of appropriate duties and responsibilities. The primary duties of the Vice President for Finance and Administration are to maintain the institutional books of account, to have custody of all funds and property of the college and to prepare financial reports.
I. 5. Vice President for Institutional Advancement
The Vice President for Institutional Advancement supervises the Development Office and is responsible for the planning and organizing of all fund-raising activities, alumni relations, and information services, and serves as the Executive Secretary of the Carroll College Foundation. The Vice President for Institutional Advancement is appointed by the President after consultation with the Board of Trustees and is accountable to the President for fulfillment of the duties and responsibilities of the office.

I. 6. Vice President for Student Life
The Vice President for Student Affairs directs the campus student life program including residence halls, student center and health services. The Vice President for Student Affairs is the administrative representative to student government and other student committees and boards. The Vice President for Student Affairs is appointed by the President after consultation with the Board of Trustees of the College.

I. 7. Vice President for Community Relations
The Vice President for Community Relations is responsible for collaborating with the Office of Institutional Advancement in developing cultivation opportunities and providing leadership and direction to including Conferencing and Facilities. The Vice President for Community Relations is appointed by the President after consultation with the Board of Trustees of the College.
II. Staff Advisory Committee

Constitution and
Bylaws of the
Staff Advisory Committee
Carroll College

I. Purpose and Objectives
A. The purpose of the Staff Advisory Committee shall be to represent the staff of Carroll College.
B. To serve as a communication link between the Administration and staff of the College.
C. To gain the spirit of unity, pride, and cooperation by being recognized equally with Faculty Assembly and Student Senate as participants in advising College administration.
D. To express, propose, represent, investigate, debate, and recommend action on issues which, upon majority approval of the Committee, bear the authority of a responsible voice in College affairs.
E. To serve as a formal body in which policies can be prepared and presented to administration and the Board of Trustees of the College.

II. Composition of the Staff Advisory Committee
A. The Committee shall be comprised of 9 elected full-time staff members, each serving a 3-year term of service.
B. Officers shall be elected from the membership of the Committee.
C. Officers include: Chairperson, Secretary/Treasurer, and Communication Officer.
D. The Director of Human Resources or the Director’s designated representative, shall serve in an ex-officio capacity on the Committee.

III. Terms and Election of Staff Advisory Members
A. Committee membership shall be for a three (3) year term with one-third (1/3) of the members elected by the staff of the College each year. A member shall not serve more than two (2) consecutive full terms.
B. Regular elections shall be held annually during the month of May. Terms of elected Committee members shall begin in June.
C. All full and part-time staff members shall be eligible to vote in regular and special elections. Part-time staff persons are defined as “half-time or more for nine (9) months or more.”
D. The Staff Advisory Committee will actively pursue representation on the Committee from all staff constituencies.
E. Ex-officio members appointed to the Committee are not eligible to vote.
F. The Committee can declare a seat vacant when a member is unable to perform the duties of the office. All vacant seats of the Staff Advisory Committee
shall be filled by a special election to be held at the direction of the Committee.

IV. Election of Officers
A. The Committee will nominate and vote annually for the following officers:
   1. Chairperson
   2. Secretary/Treasurer
   3. Communication Officer
B. At the regular June meeting, nominations of Staff Advisory Committee officers shall be accepted through motions from the Committee. The Chairperson shall select an outgoing Committee member to serve as the designated election officer. The designated election officer shall determine the outcome of the motions.
C. Voting will take place at the regular June meeting, unless a quorum is not present.
D. Elections will be decided by a majority vote. In case of tie votes, the designated election officer shall cast the deciding vote.
E. Outgoing Committee members will not cast votes in the officer elections, except in cases stated above.

V. Duties of the Officers
A. The duties of the officers shall include, but are not limited to:
   1. The chairperson:
      a. Preside over all meetings of the Staff Advisory Committee.
      b. Insure that all Staff Advisory activities are conducted in a professional manner.
      c. Has the authority to appoint sub-committees as are deemed necessary for the business of the Staff Advisory Committee.
      d. Insure that all actions conform to the Bylaws of the Committee.
      e. Is the spokesperson for the Staff Advisory Committee at meetings and functions.
      f. Serves as Staff Advisory Committee representative on College committees (Budget Committee, Compensation/Benefits Committee, Cabinet, etc.) as needed.
      g. May disburse monies from Staff Advisory Committee accounts in the absence of the Secretary/Treasurer.
   2. Secretary/Treasurer:
      a. Presides in the absence of the Chairperson.
      b. Assumes the duties of the Chairperson for the unexpired term in the event the Chairperson is unable to complete the term of office.
      c. Takes and maintains minutes of each meeting of the Staff Advisory Committee.
      d. Publishes and distributes the minutes of each Staff Advisory Committee meeting to all staff members prior to the next meeting.
      e. Distributes the agenda to all Staff Advisory Committee members prior to Committee meetings.
f. Is primarily responsible for the Staff Advisory Committee’s fiscal affairs.
g. Reports at each meeting on the status of Staff Advisory Committee accounts.
h. Disburses monies from Staff Advisory Committee accounts as directed by the Committee.

3. Communication Officer  
   a. Schedules and notifies all Committee members of meeting locations.
   b. Coordinates all regular and special elections of members to the Staff Advisory Committee.
   c. Provide communications, as needed, to the staff of Carroll College.
   d. Receives and keeps all communications and reports to and from the Staff Advisory Committee.
   e. In the absence of the Secretary/Treasurer, takes and maintains minutes at Committee meetings.

B. In the event of the vacancy of the Secretary/Treasurer or the Communication Officer, procedures outlined in Section IV will be followed.

C. Committee members are expected to attend all Staff Advisory Committee meetings. A Committee member shall contact an officer of the Committee prior to a Committee meeting to record their absence. A committee member who has three (3) unrecorded absences in any twelve (12) month period, will be contacted by the Chairperson of the committee. A Committee member’s seat may be vacated by a 2/3 majority vote of the Staff Advisory Committee. Vacancies to the Committee shall be filled through special elections as described in Section VI.

VI. Special Elections  
A. A vacant seat on the Staff Advisory Committee will be filled by special election.
B. All special elections will be held within 30 days of the seat becoming vacant. With the following exception:
   In the event that an additional vacancy occurs within 60 days of a special election, the committee will request that the second place nominee join the committee. If the nominee declines, the committee will ask the third place nominee to join the committee. If the third place nominee declines, the committee will hold a special election.
C. The Communication Officer will oversee all special elections.
D. Nominations will be requested from the entire staff. Notification of the vacancy must take place two weeks prior to a vote. The position will be advertised to all staff, and in the Staff Advisory Committee minutes.
E. Election will take place by ballot distributed to all staff members. The candidate receiving the highest vote total will fill the vacant seat. In a case of a tie vote, the majority vote of the Staff Advisory Committee members shall determine the outcome of the election.
F. The vacancy will be filled until the completion of the unexpired term.
VII. Meetings and Actions
A. The Staff Advisory Committee shall meet in regular session once a month or on call of the Chairperson. A majority of the Staff Advisory Committee members eligible to vote (5) shall constitute a quorum for a meeting. In the conduct of the meetings, Robert’s Rules of Order shall prevail, unless superseded by the Bylaws of the Carroll College Staff Advisory Committee.
B. All meetings of the Committee shall be open. The Committee, at its option, may move into a closed executive session by a two-thirds (2/3) vote of the present voting members.
C. A record of proceedings at meetings shall be kept which, upon request and under reasonable conditions, shall be made available by the secretary/treasurer of the Committee.
D. The Committee shall establish and maintain reasonable procedures whereby any individual may propose items to be included on the agenda for the next Staff Advisory Committee meeting.
E. The Staff Advisory Committee reports directly to the President of Carroll College and the President brings appropriate recommendations to the Board of Trustees.
F. The Staff Advisory Committee shall invite the President of Carroll College to attend a Committee meeting at least once a year.

VIII. Amendments to the Constitution and Bylaws
A. Amendments to this Constitution and Bylaws may be proposed by motion at any regular meeting of the Committee. If approved by majority vote of the Committee,
   1. The Committee will submit Constitution and Bylaw amendments to all staff for a 30-day comment period.
   2. After comments are received, the Committee will review staff suggestions and approve any changes to the proposed amendment.
   3. If any changes are made, the finalized amendment will be distributed to staff for additional comment at least five working days before a final vote of the Committee is taken.
   4. If the Committee does not approve an amendment, a written response will be sent with the Staff Advisory minutes as to why the amendment was not adopted.

III. Employment Practices

III. 1. EQUAL EMPLOYMENT OPPORTUNITY POLICY

Discrimination, Harassment, Sexual Misconduct, Stalking and Retaliation

I. Policy Statement:

Carroll College is an equal opportunity employer, committed to compliance with state and federal anti-discrimination laws, including Title IX of the Education Amendments of 1972. Acts of discrimination,
harassment, sexual misconduct, and retaliation are prohibited and will be addressed consistent with this policy.

It is important that members of the Carroll community understand that the law does not just prohibit discrimination and harassment of employees by employers. The law also prohibits discrimination and harassment between members of the Carroll community more generally, such as between an instructor and a student, between two students, or between a campus guest or vendor and an employee. In addition, the law prohibits retaliation against an individual for opposing any practices forbidden under this policy, for bringing a complaint of discrimination or harassment, for assisting someone with such a complaint, for attempting to stop such discrimination or harassment, or for participating in any manner in an investigation or resolution of a complaint of discrimination or harassment. Any individual who believes he or she may have been subject to unlawful discrimination or harassment should feel free to report their concerns for appropriate investigation and response, without fear of retaliation.

Information regarding how to report unlawful discrimination or harassment can be found in the Equal Opportunity Grievance Policy. Questions regarding this policy should be directed to Carroll’s Title IX Coordinator/Equal Opportunity Officer, Renee McMahon, Director of Human Resources, 1601 N. Benton Avenue, O'Connell Hall, Room 214, Helena, MT 59624; rmcmahon@carroll.edu; (406) 447-5501.

II. Academic Freedom
This policy shall not be construed to infringe on the academic freedom of members of the Carroll community and their right to use the academic forum provided by Carroll either to discuss controversial subjects or to express ideas with which some or most members of the Carroll community strongly disagree. The principles of academic freedom are more fully described in Article V, Section 6 of the Faculty Handbook as well as in section 29 and footnote 15 of the Apostolic Constitution Ex Corde Ecclesiae.

Title IX and this policy protect students and employees from sex discrimination; they do not regulate the content of speech. Carroll College and the Office for Civil Rights recognize that the offensiveness of a particular expression as perceived by some employees or students, standing alone, is not a legally sufficient basis to establish a hostile environment under Title IX or this policy. Neither Title IX nor this policy require, prohibit, or abridge the use of particular textbooks or curricular materials.

III. Discrimination
Carroll College prohibits unlawful discrimination in employment on the basis of race, color, national origin, age, physical or mental disability, marital status, gender identity, sexual orientation, creed, religion, or sex, except when the reasonable demands of the position require an age, physical or mental disability, marital status, gender identity, sexual orientation, creed, religion, or sex distinction. In the case of religion and creed, such distinctions may be appropriate under state and federal constitutional provisions due to the religious character and Catholic identity of Carroll College and the nature of the particular employment position at issue.

IV. Retaliation

Carroll College prohibits retaliation against an individual for opposing any practices forbidden under this policy, for bringing a complaint of discrimination or harassment, for assisting someone with such a complaint, for attempting to stop such discrimination or harassment, or for participating in any manner in an investigation or resolution of a complaint of discrimination or harassment. It is central to the values of Carroll College that any individual who believes they may have been the target of unlawful discrimination or harassment feel free to report their concerns for appropriate investigation and response, without fear of retaliation or retribution.

V. Harassment

Harassment is a form of misconduct that can be demeaning to another person, and is strictly prohibited. It is the policy of the college to prohibit harassment of its employees by anyone, including faculty, staff, students, and vendors or other non-employees, on the basis of sex, race, creed, color, national origin, religion, age, marital status, gender identity, sexual orientation, or physical or mental disability.

Harassing behavior may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be humiliating or physically threatening or harmful.

A. Sexual Harassment
Sexual harassment means any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, including sexual assault. Sexual harassment, including sexual assault, can involve persons of the same or opposite sex.

The following are examples of conduct that may constitute sexual harassment:

1. Sexual advances which are unwelcome (this may include situations which began as a reciprocal attraction but later ceased to be reciprocal);
2. Sexual gestures;
3. Graphic verbal comments of a sexual nature, including such comments about a person’s body, or sexually degrading words used to describe an individual;
4. Displaying sexually suggestive objects, pictures, cartoons, or posters;
5. Verbal abuse of a sexual nature, sexually oriented jokes, innuendoes, obscenities, or sexually suggestive letters, notes or invitations;
6. Reprisals or threats after a negative response to sexual advances;
7. Employment benefits affected in exchange for sexual favors;
8. Physical conduct such as assault, rape, impeding or blocking movements, or unwelcome touching.

Consistent with the law, this policy prohibits two types of sexual harassment:

1. Tangible Employment or Educational Action
   This type of sexual harassment occurs when the terms and conditions of employment are conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a favor in decisions affecting that individual’s employment. Generally, perpetrators will be agents or employees with some authority from the College.

2. Hostile Environment Harassment
   A hostile environment exists when harassment based on sex, race, creed, color, national origin, religion, age, marital status, gender identity, sexual orientation, or physical or mental disability:
   - Is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to alter the terms and conditions of employment; or
• When such conduct has the purpose or effect of unreasonably interfering with an individual’s employment.

Harassment that creates a hostile environment violates this policy.

A hostile environment can be created by anyone involved in a college program or activity (e.g., administrators, faculty members, students, staff members, and campus visitors). Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a serious incident, such as sexual assault, even if isolated, can be sufficient.

In determining whether harassment has created a hostile environment, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive.

Also, the following factors will be considered:

a. The degree to which the conduct affected the individual’s employment;

b. The nature, scope, frequency, duration, and location of incident or incidents;

c. The identity, number and relationships of persons involved; and

d. The nature of higher education.

VI. Sexual Misconduct

Sexual misconduct includes sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, relationship violence, and stalking.

Sexual assault means an actual or attempted sexual contact with another person without that person’s consent. Sexual assault includes, but is not limited to:

1. Involvement in any sexual contact when the victim is unable to consent.
2. Intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person’s intimate parts (defined as genital area, groin, inner thigh, buttocks or breast).

3. Sexual intercourse without consent, including acts commonly referred to as “rape.”

**Consent** must be informed, freely given and mutually understood. If coercion, intimidation, threats or physical force are used, there is no consent. If the victim is mentally or physically incapacitated or impaired so the victim cannot understand the fact, nature, or extent of the sexual situation, and the condition was known or would be known to a reasonable person, there is no consent. This includes conditions due to alcohol or drug consumption, or being asleep or unconscious. Whether an accused individual has taken advantage of a position of influence over the victim may also be a factor in determining consent. Past consent to sexual activities does not imply future or ongoing consent. Silence does not necessarily constitute consent.

**Inducing incapacitation** for sexual purposes includes using drugs, alcohol, or other means with the intent to affect or having an actual effect on the ability of an individual to consent or refuse to consent to sexual contact.

**Sexual Exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for anyone’s advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
- Non-consensual distribution of photos, other images, or information of an individual’s sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
- Going beyond the bounds of consent (such as letting friends hide in a closet to watch consensual sex);
- Engaging in non-consensual voyeurism;
- Knowingly transmitting an sexually transmitted infection (STI), such as HIV, to another without disclosing STI status;
- Exposing genitals in non-consensual circumstances, or inducing another to expose his or her genitals;
• Possessing, distributing, viewing or forcing others to view illegal pornography.

**Relationship Violence** is abuse or violence between partners or former partners involving one or more of the following elements:

• Battering that causes bodily injury;
• Purposely or knowingly causing reasonable apprehension of bodily injury;
• Repeated telephonic, electronic, or other forms of communication – anonymously or directly – made with the intent to intimidate, terrify, harass, or threaten.

Relationship violence includes dating violence, which is abuse or violence between individuals who have been or currently are in a dating or ongoing romantic or intimate relationship; and domestic violence, which is abuse or violence between individuals who are spouses or former spouses, who are or were living together as spouses or intimate partners, or who have a child in common. Domestic violence also includes abuse or violence that constitutes partner or family member assault under Montana law.

**Stalking** includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device, or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death to the individual or others.

**VII. Employee Reporting**

In order to enable Carroll College to respond effectively, proactively, and to stop instances of discrimination, harassment, and sexual misconduct at the College, all College employees must report as soon as feasibly possible information they have about alleged or possible discrimination, harassment, and sexual misconduct to the Equal Opportunity Officer/Title IX Coordinator. Employees who are statutorily prohibited from reporting such information are exempt from these reporting requirements, including licensed healthcare professionals, priests who receive information under the seal of confession, and victim advocates.

Any supervisor who becomes aware of possible harassment or discrimination must promptly advise the Equal Opportunity Officer/Title IX Coordinator. Failure to provide this notification may result in disciplinary action, up to and including termination.
Upon receiving a report of alleged or possible discrimination, harassment, or sexual misconduct, the Equal Opportunity Officer/Title IX Coordinator will follow the procedures described in the Equal Opportunity Grievance Procedures.

VIII. Assistance and Support

Carroll College’s Sexual Safety and Wellness Educator and the Equal Opportunity Officer/Title IX Coordinator are available to help staff who are victims of sexual misconduct identify appropriate resources for counseling, mental health services, and medical services. The Equal Opportunity Officer/Title IX Coordinator is also available to discuss and coordinate possible interim measures to address harassment or discrimination, such as changes in work situations, reporting relationships, or work location.

IX. Sanctions and Corrective Action

Violations of this policy will be addressed through the Equal Opportunity Grievance Procedure. The Equal Opportunity Grievance Procedure is in lieu of and not in addition to any disciplinary procedures described in the Staff and Faculty Handbooks, including but not limited to Article V, Section 9 of the Faculty Handbook; or the procedures described in Article V, Section 6.26 of the Faculty Handbook.

Consequences for violating this policy will depend on the facts and circumstances of each particular situation, including the frequency and severity of the offense and any history of past discriminatory, harassing, or retaliatory conduct. A finding that this policy was violated may be cause for disciplinary action such as corrective counseling, verbal warning, written reprimand, loss of privileges, discretionary sanctions, suspension, disciplinary demotion, or termination. In addition, Carroll College may take other action, such as reassignment; a no-contact order; or relocation of office or parking space. Carroll College may also take appropriate action if it does not find discrimination or harassment that creates a hostile work environment or results in a tangible employment action, but (a) the College found that the individual engaged in disruptive behavior; or (b) action is necessary to prevent the creation of a hostile environment.
9. Sexual advances which are unwelcome (this may include situations which began as a reciprocal attraction but later ceased to be reciprocal);
10. Sexual gestures;
11. Graphic verbal comments of a sexual nature, including such comments about a person’s body, or sexually degrading words used to describe an individual;
12. Displaying sexually suggestive objects, pictures, cartoons, or posters;
13. Verbal abuse of a sexual nature, sexually oriented jokes, innuendoes, obscenities, or sexually suggestive letters, notes or invitations;
14. Reprisals or threats after a negative response to sexual advances;
15. Employment benefits affected in exchange for sexual favors;
16. Physical conduct such as assault, rape, impeding or blocking movements, or unwelcome touching.

Consistent with the law, this policy prohibits two types of sexual harassment:

1. Tangible Employment or Educational Action
   This type of sexual harassment occurs when the terms and conditions of employment are conditioned upon, either explicitly or implicitly, submission to or rejection of unwelcome sexual advances or requests for sexual favors, or such submission or rejection is a favor in decisions affecting that individual’s employment. Generally, perpetrators will be agents or employees with some authority from the College.

2. Hostile Environment Harassment
   A hostile environment exists when harassment based on sex, race, creed, color, national origin, religion, age, marital status, gender identity, sexual orientation, or physical or mental disability:
   - Is sufficiently serious (i.e., severe, pervasive, or persistent) and objectively offensive so as to alter the terms and conditions of employment; or
   - When such conduct has the purpose or effect of unreasonably interfering with an individual’s employment.

Harassment that creates a hostile environment violates this policy.

A hostile environment can be created by anyone involved in a college program or activity (e.g., administrators, faculty members, students, staff members, and campus visitors). Mere offensiveness is not enough to create a hostile environment. Although repeated incidents increase the likelihood that harassment has created a hostile environment, a serious incident, such as sexual assault, even if isolated, can be sufficient.

In determining whether harassment has created a hostile environment, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive.

Also, the following factors will be considered:

   e. The degree to which the conduct affected the individual;

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f. The nature, scope, frequency, and duration of incident or incidents;  
g. The number of persons involved; and  
h. The nature of academic freedom.  

X. Sexual Misconduct  

**Sexual misconduct** includes sexual assault, inducing incapacitation for sexual purposes, sexual exploitation, relationship violence, and stalking.  

**Sexual assault** means an actual or attempted sexual contact with another person without that person’s consent. Sexual assault includes, but is not limited to:  
1. Involvement in any sexual contact when the victim is unable to consent.  
2. Intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or force another to touch a person’s intimate parts (defined as genital area, groin, inner thigh, buttocks or breast).  
3. Sexual intercourse without consent, including acts commonly referred to as “rape.”  

**Consent** must be informed, freely given and mutually understood. If coercion, intimidation, threats or physical force are used, there is no consent. If the victim is mentally or physically incapacitated or impaired so the victim cannot understand the fact, nature, or extent of the sexual situation, and the condition was known or would be known to a reasonable person, there is no consent. This includes conditions due to alcohol or drug consumption, or being asleep or unconscious. Whether an accused individual has taken advantage of a position of influence over the victim may also be a factor in determining consent. Past consent to sexual activities does not imply future or ongoing consent. Silence does not necessarily constitute consent.  

**Inducing incapacitation** for sexual purposes includes using drugs, alcohol, or other means with the intent to affect or having an actual effect on the ability of an individual to consent or refuse to consent to sexual contact.  

**Sexual Exploitation** occurs when a person takes non-consensual or abusive sexual advantage of another for anyone’s advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:  

- Prostitution of another person;  
- Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;  
- Non-consensual distribution of photos, other images, or information of an individual’s sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;  
- Going beyond the bounds of consent (such as letting friends hide in a closet to watch consensual sex);  
- Engaging in non-consensual voyeurism;  
- Knowingly transmitting an sexually transmitted infection (STI), such as HIV, to another without disclosing STI status;  
- Exposing genitals in non-consensual circumstances, or inducing another to expose his or
her genitals;
- Possessing, distributing, viewing or forcing others to view illegal pornography.

**Relationship Violence** is abuse or violence between partners or former partners involving one or more of the following elements:

- Battering that causes bodily injury;
- Purposely or knowingly causing reasonable apprehension of bodily injury;
- Repeated telephonic, electronic, or other forms of communication – anonymously or directly – made with the intent to intimidate, terrify, harass, or threaten.

Relationship violence includes dating violence, which is abuse or violence between individuals who have been or currently are in a dating or ongoing romantic or intimate relationship; and domestic violence, which is abuse or violence between individuals who are spouses or former spouses, who are or were living together as spouses or intimate partners, or who have a child in common. Domestic violence also includes abuse or violence that constitutes partner or family member assault under Montana law.

**Stalking** includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device, or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death to the individual or others.

**XI. Employee Reporting**

In order to enable Carroll College to respond effectively, proactively, and to stop instances of discrimination, harassment, and sexual misconduct at the College, all College employees must report as soon as feasibly possible information they have about alleged or possible discrimination, harassment, and sexual misconduct to the Equal Opportunity Officer/Title IX Coordinator. Employees who are statutorily prohibited from reporting such information are exempt from these reporting requirements, including licensed healthcare professionals, priests who receive information under the seal of confession, and victim advocates.

Any supervisor who becomes aware of possible harassment or discrimination must promptly advise the Equal Opportunity Officer/Title IX Coordinator. Failure to provide this notification may result in disciplinary action, up to and including termination.

Upon receiving a report of alleged or possible discrimination, harassment, or sexual misconduct, the Equal Opportunity Officer/Title IX Coordinator will follow the procedures described in the Equal Opportunity Grievance Procedures.

**XII. Assistance and Support**

Carroll College’s Sexual Safety and Wellness Educator and the Equal Opportunity Officer/Title IX Coordinator are available to help staff who are victims of sexual misconduct identify appropriate resources for counseling, mental health services, and medical services. The Equal Opportunity Officer/Title IX Coordinator is also available to discuss and coordinate possible interim measures to address harassment or discrimination, such as changes in work situations, reporting.
relationships, or work location.

XIII. Sanctions and Corrective Action

Violations of this policy will be addressed through the Equal Opportunity Grievance Procedure. Consequences for violating this policy will depend on the facts and circumstances of each particular situation, including the frequency and severity of the offense and any history of past discriminatory, harassing, or retaliatory conduct. A finding that this policy was violated may be cause for disciplinary action as further described in the Staff and Faculty Handbooks, such as corrective counseling, verbal warning, written reprimand, loss of privileges, discretionary sanctions, suspension, disciplinary demotion, or termination, as set forth in the Staff and Faculty Handbook. In addition, Carroll College may take other action, such as reassignment; a no-contact order; or relocation of office or parking space. Carroll College may also take appropriate action if it does not find discrimination or harassment that creates a hostile work environment or results in a tangible employment action, but (a) the College found that the individual engaged in disruptive behavior; or (b) action is necessary to prevent the creation of a hostile environment.
III. 2.  EQUAL OPPORTUNITY GRIEVANCE PROCEDURE

This procedure may be used when a faculty, staff, or student believes there has been a violation of Carroll College’s Equal Opportunity Policy (including discrimination or harassment based on a protected class, sexual misconduct, or retaliation) or other equal opportunity laws by a faculty, staff member, student, or vendor or other non-employee. The procedure also addresses complaints or reports of retaliation against those who have opposed practices prohibited under Carroll’s Equal Opportunity Policy, those who have filed complaints or reports under this policy, and those who have testified or otherwise participated in enforcement of this policy or Carroll’s Equal Opportunity Policy.

REPORTING

There are several avenues for submitting a complaint or report:

1. Equal Opportunity Officer (Director of Human Resources) (“EO”)
2. Any Vice President
3. Any Department Chair.

Complaints and reports can be made through voicemail, email, written letter, or personal conversation. Complaints of sexual misconduct to include sexual harassment, sexual assault, stalking, relationship violence, and sexual exploitation may be made through the secure online reporting form (https://www.carroll.edu/resources/sexualmisconduct/report.cc) or through the mechanisms listed above. All such complaints or reports must be forwarded to the EO/Title IX Coordinator. If there is a complaint or report about the EO or any staff member within the Human Resources Office, the complaint should be filed with the President of the College. The President will appoint another trained individual to take the place of the EO for purposes of administering this policy. If the person who is the subject of the grievance is the Vice President who would otherwise render a decision regarding sanctions for a violation of the Equal Opportunity Policy, the President will assume the responsibilities of the Vice President as described in this policy. If the person who is the subject of the grievance is the President, the Chair of the Board of Trustees will assume the responsibilities of the Vice President as described in this policy.

REPORTING TO LAW ENFORCEMENT

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If an individual is in immediate danger or needs immediate medical attention, the first place to report is 911. The individual is also encouraged to make a report of criminal conduct to the Helena Police Department (442-3233) even if he or she is not in immediate danger. Some forms of discrimination and harassment may also be crimes, such as sexual assault, stalking, and rape. It is also important to preserve evidence that may be necessary to the proof of a sexual crime. Calling local law enforcement can help you obtain emergency and nonemergency medical care; get immediate law enforcement response for your protection; understand how to obtain assistance in a situation that may escalate to more severe criminal behavior; arrange a meeting with victim advocate services; find counseling and support; initiate a criminal investigation; obtain information regarding orders of protection; and answer questions about the criminal process. While the individual is not required to make a criminal report, Carroll’s Victim’s Advocate or Counseling Center or Helena’s Friendship Center is available to assist in notifying law enforcement if the individual chooses to do so.

ROLE OF THE EQUAL OPPORTUNITY OFFICER

The Equal Opportunity Officer/Title IX Coordinator at Carroll College is Renee McMahon, Director of Human Resources. This position is responsible for the development, implementation, and management of equal opportunity policies and programs at Carroll College. This position is not an advocate for either the Complainant or the individual accused of a policy violation (“Respondent”). The EO will explain to both parties the informal and formal processes and the confidentiality provisions outlined in this policy. Where appropriate, the EO will provide to both parties written information about options for obtaining medical and counseling services; making a criminal report; receiving advocacy services; confidentiality; how to request interim measures to address the misconduct; and helpful campus and community resources. Both parties will also receive a copy of this policy.

The EO will describe the process of a fair and impartial investigation. The EO will explain the right of the Respondent to review and respond to allegations and evidence against him or her. The EO will explain to both parties their rights to have an advisor of their choice with them during their interviews and during the hearing stage of these procedures. If an individual does not want to pursue a complaint, the EO will inform the individual that the College is limited in the actions it can take without the cooperation of the individual. The EO will also explain to parties and witnesses that retaliation for reporting alleged violations of the policy, or participating in an investigation of an alleged violation, is strictly prohibited and that any retaliation should be immediately reported and will be promptly addressed.

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**INTERIM MEASURES**

The EO will offer to coordinate with other campus officials, when appropriate, to implement interim remedial measures such as no-contact orders, rearrangement of working arrangements, or accommodations. For students, such measures may include arranging for changes in class schedules or living, working, or transportation arrangements, offering counseling, and modifying test schedules or other class requirements temporarily.

At any time during the grievance process, the EO may make a recommendation to the appropriate vice president regarding immediate remedial action if necessary to protect a party or maintain the status quo pending completion of the grievance process. Such measures may include offering alternative work schedules, escorts, parking, or changes in reporting relationships or work location.

**RESOLUTION**

A faculty, staff, or student who believes there has been a violation of the Equal Opportunity Policy or other equal opportunity laws has two avenues for resolution of the alleged violation: formal and informal. Regardless of which avenue the individual chooses, the alleged violation should be reported as soon as possible after the incident or action occurs. Early reporting is encouraged because the college’s ability to investigate an act or report diminishes with time.

A. Informal Process and Resolution

A Complainant has the option to proceed informally, when permissible. In cases involving allegations of sexual assault, informal resolution is not appropriate, even if both the Complainant and Respondent indicate a preference for informal resolution.

Except in cases involving sexual assault, if the Complainant, the Respondent and the EO all agree that an informal resolution should be pursued, the EO shall attempt to facilitate a resolution of the
conflict that is agreeable to all parties as soon as feasibly possible. Under the informal process, the EO shall be required only to conduct such fact-finding as is useful to resolve the conflict and is necessary to protect the interests of the parties, the College, and the community. Typically, the informal process will be completed within twenty days of receipt of the report. If there is good cause to extend the deadline, both parties will be notified in writing of a revised expected resolution timeframe.

The Complainant and Respondent always have the option to request a formal investigation. The EO also always has the discretion to initiate a formal investigation. If at any point during the informal process, the Complainant, the Respondent, or the EO wishes to cease the informal process and to proceed through formal grievance procedures, the formal process will be invoked.

Any informal resolution must adequately address the concerns of the Complainant, as well as the rights of the Respondent and the overall intent of the College to stop, remedy and prevent policy violations. Informal actions might include, but are not limited to providing training to an individual or work unit; having an informal discussion with an individual whose conduct, if not stopped, could rise to the level of discrimination or hostile work environment; or having a confidential conversation with a student, supervisor, staff member, or faculty member.

**B. Formal Process and Resolution**

If the complaint is not resolved informally or if any of the parties or EO wish to move to a formal process, a grievance may be filed with the EO. The grievance should be in writing and describe the nature of the problem and the desired solution. In addition, a list of the names of the person(s) who have knowledge about the grievance and copies of any relevant documents should also be submitted.

**A. Formal Process**

**Step 1:** EO discusses the grievance with the individual who filed the grievance (“Complainant”), and the Respondent as appropriate, including providing information about the policy and procedures and other helpful resources. EO also considers whether immediate or interim actions or involvement of other Carroll College offices is appropriate. EO determines whether the office has jurisdiction to investigate the matter. The EO only has jurisdiction to investigate complaints alleging discrimination, harassment, sexual misconduct, stalking, and retaliation in violation of the Equal Opportunity policy.

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Option 1: If the EO determines that there is no jurisdiction, the EO will offer to assist the Complainant and, as appropriate, the Respondent, in finding appropriate campus and off-campus resources for addressing the issue of concern.

Option 2: If the EO determines that there is jurisdiction, the grievance will proceed to Step 2.

Step 2: An Investigative Team will conduct a fair and impartial investigation of the grievance. During the investigation, both the Complainant and Respondent may identify witnesses and submit documents. Respondents will have the opportunity to review and respond to evidence considered against them. Typically an investigation will be completed within twenty (20) days of receipt of the grievance. If there is good cause to extend the deadline, both parties will be notified of a revised expected resolution timeframe.

Investigative Team

The investigation will be conducted by an Investigative Team, comprised of the EO, one faculty, and one staff, except two faculty will be chosen if the Respondent has raised academic freedom as a defense to the allegations at issue. The faculty and staff members of the Investigative Team will be chosen from a pool of staff and faculty who have been trained in investigating allegations of harassment, discrimination, sexual harassment, sexual violence, relationship violence, and stalking. The faculty and staff members on the Investigative Team must come from departments other than the ones in which the Complainant and Respondent are employed.

Selection of Investigative Team Pool

At the beginning of each fall semester, the Vice Presidents will invite at least one benefit-eligible staff member from their respective departments to serve in the Investigative Team pool. Additionally, the Vice President for Academic Affairs will invite at least five faculty from different departments to serve in the Investigative Team pool. Vice Presidents are encouraged to select individuals such that the Investigative Team pool that results is representative of the Carroll community.

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If an individual invited to participate in the Investigative Team pool was previously found to have committed a serious violation of the Equal Opportunity policy, this factor will be considered in determining whether the individual shall become a member of the Investigative Team pool. In such cases, the EO will notify the Vice President who submitted the individual’s name of the previous violation and will consult with the Vice President regarding whether the individual should become a member of the Investigative Team pool. The Vice President will decide whether to proceed with or withdraw the individual’s invitation.

Members of the Investigative Team pool must agree to undergo training, as described below, and agree to conduct an investigation as part of an Investigative Team, if assigned.

Conflict of Interest

The EO will ask the Complainant and Respondent if they feel anyone in the Investigative Team pool would have a conflict of interest if asked to serve on the Investigative Team that investigates the allegations at issue. A conflict of interest may exist when personal considerations, including without limitation a financial interest or personal relationship, may compromise or may have the appearance of compromising an individual’s ability to exercise judgment in a particular matter. If the Complainant or Respondent feels a potential conflict of interest may exist with one or more members of the Investigative Team pool, he or she will identify the potential conflict in writing and submit it to the EO. The EO will determine whether there is an actual conflict of interest, as defined above. If so, the identified pool member will not be considered for service on the Investigative Team considering that particular matter.

If either the Complainant or Respondent feel that the EO has a conflict of interest, as defined above, in serving as a member of the Investigative Team, the Complainant or Respondent must identify the conflict of interest in writing and submit it to the Vice President who supervises the EO, who will determine whether there is an actual conflict of interest. If the Vice President who supervises the EO determines that an actual conflict of interest exists, the Director of Community Living will perform the functions of the EO described below.

Following the initial conflict of interest inquiry, the EO will solicit volunteers from the remaining pool to serve on the Investigative Team to consider a particular matter. The EO will then select two members from among the volunteers and provide them with preliminary information.

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regarding the matter, including the names of the parties and the nature of the grievance. The EO will ask the two members if they believe a conflict of interest exists. If any member believes they have a conflict of interest, the member will be removed from consideration for service on the particular Investigative Team, and the EO will invite another person from the list of volunteers to serve on the Investigative Team. This process will be repeated, if necessary, until both members of the Investigative Team confirm that they do not have a conflict of interest in considering the particular matter.

If at the conclusion of the conflict of interest process, there are insufficient faculty remaining to have two faculty on an Investigative Team investigating a matter in which academic freedom has been raised as a defense to the allegations, the Investigative Team will be comprised of one faculty and one staff. If there are no faculty remaining in the Investigative Team pool who have not been disqualified from serving on the Investigative Team, the Investigative Team will be comprised of two staff members who will consult with the Faculty Dean on any issues relating to academic freedom. If the Faculty Dean has a conflict of interest or is unavailable due to a scheduling conflict, the Vice President for Academic Affairs will select a representative from the Faculty Council to fulfill the Faculty Dean’s role under this provision.

**Step 3:** The Investigative Team determines whether there is a preponderance of the evidence to believe that an individual violated the Equal Opportunity Policy. This means that individuals are presumed not to have engaged in the alleged conduct unless a “preponderance of the evidence” supports a finding that the conduct has occurred. This “preponderance of the evidence” standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it.

In making the determination of whether harassment has created a hostile environment in violation of the Equal Opportunity Policy, the Investigative Team will consider not only whether the conduct was unwelcome to the Complainant, but also whether a reasonable person in the Complainant’s situation would have perceived the conduct as objectively offensive. The Investigative Team’s findings will be in writing and will be provided to both the Complainant and to the Respondent(s). If the Investigative Team is not unanimous in its findings, a written dissent may be attached to the report. Both parties will have the opportunity to review and provide comments to the Investigative Team about the written investigation report before it is finalized. Such comments must be submitted in writing to the EO within five business days of a party’s receipt of the report. The EO will disseminate the responses to the other members of the Investigative Team for review prior to finalization of the report.

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Option 1: If the Investigative Team cannot determine by a preponderance of evidence that the alleged violation of the Equal Opportunity Policy occurred, the matter is documented, communicated to both the Complainant and Respondent, and closed; in this case the Complainant may appeal the finding to the Equal Opportunity Grievance Committee, as described below.

Option 2: If the Investigative Team finds that a preponderance of the evidence of a policy violation exists, the Investigative Team’s written report will include recommendations for steps to take to prevent recurrence of any such violation, and as appropriate, remedies for the Complainant. The written report, including any dissent and written comments submitted by the parties prior to finalization, will be provided to the Vice President with jurisdiction over the Respondent for a determination of appropriate sanctions. The College will take prompt and effective remedial action if the Equal Opportunity Policy has been violated. The action taken must be commensurate with the severity of the offense. The Vice President’s decision will also identify whether, in the event an appeal is filed, any interim measures put into place during the grievance process will continue, be modified, or withdrawn; and whether any additional interim measures are necessary, pending the outcome of any appeal. The appropriate Vice President will communicate his or her decision regarding sanctions and interim measures to the Respondent and the EO. The EO will inform the Complainant of the sanctions and interim measures as permitted by state and federal law.

Any sanctions decided by the Vice President will be held in abeyance in the event an appeal is filed, but any interim measures identified in the Vice President’s decision will continue until the appeal process is completed.

Appeals to the Equal Opportunity Grievance Committee

Filing an Appeal

An appeal to the Equal Opportunity Grievance Committee must be filed within five (5) working days of the receipt of the Vice President’s decision, or the Investigative Team’s decision, as applicable, unless good cause can be shown for an extension of time. The appeal must be filed with the EO. If the EO has been determined to have a conflict of interest, as described above, the Director of Community Living will fulfill the role of the EO through the appeal process.

The appeal must be in writing and must describe the appellant’s desired outcome; as well as describe how the appellant believes: (1) there is new information sufficient to alter a decision, but...
only if the new information was not known to the appellant during the investigation and could not have been discovered by the appellant if sought with reasonable diligence; (2) there is reason to believe that a procedural error so significant as to deny a fair hearing to either party occurred during the grievance process; or (3) the sanctions imposed are not appropriate for the violation which the Respondent was found to have committed.

Training

All Carroll College officials who are involved in the equal opportunity grievance process, including the EO, designated investigators, Equal Opportunity Grievance Committee members, and Vice Presidents, will have adequate training. Training will include, but is not limited to, recognizing and appropriately responding to allegations of discrimination, harassment, including hostile environment harassment, sexual misconduct, and retaliation, protecting confidentiality, recognizing the link between alcohol and drug use and sexual assault and sexual harassment, and how to conduct an investigation and grievance process that protects the safety of victims and promotes accountability.

Composition of the Committee

The Equal Opportunity Grievance Committee shall have three (3) members. Of the three members, one shall be a member of the faculty, and one shall be a member of the non-academic staff. If the Respondent raises academic freedom as a defense to the allegations, either during the investigation or as part of the appeal, the third member of the Committee shall be a faculty member. In all other cases, the two members shall choose the third member from the Equal Opportunity Grievance Committee member pool.

Selection of Members

At the beginning of each fall semester, each Vice President (Enrollment, Finance & Administration, Community Relations, Academic Affairs, Student Life, and Institutional Advancement) will invite two benefit-eligible staff members from their respective divisions to serve in an Equal Opportunity Grievance Committee member pool. Additionally, the Vice President for Academic Affairs will invite four faculty from each of the three divisions (Science, Social Science, and Humanities) to serve in the Equal Opportunity Grievance Committee member pool. Half of the Equal Opportunity Grievance Committee member pool may be comprised of members of the Investigative Team pool. However, no individual may serve as a member of both the Investigative Team and the Equal Opportunity Grievance Committee in the same case.

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A previous, serious violation of the Equal Opportunity policy will be considered in determining whether an individual shall become a member of the Equal Opportunity Grievance Committee pool. In the event an individual who has committed a serious violation of the Equal Opportunity policy is invited to serve in the Equal Opportunity Grievance Committee pool, the EO will notify the Vice President who submitted the individual’s name and will consult with the Vice President regarding whether the individual should become a member of the Equal Opportunity Grievance Committee pool. The Vice President will decide whether to proceed with or withdraw the individual’s invitation.

Members of the Equal Opportunity Grievance Committee pool must agree to undergo training, as described above, and agree to serve on an Equal Opportunity Grievance Committee if one is convened.

**Conflict of Interest**

If a matter is appealed to the Equal Opportunity Grievance Committee, the EO will ask the Complainant and Respondent if they feel anyone in the Equal Opportunity Grievance Committee pool would have a conflict of interest if asked to serve on a Committee considering the matter. A conflict of interest may exist when personal considerations, including without limitation a financial interest or personal relationship, may compromise or may have the appearance of compromising an individual’s ability to exercise judgment in a particular matter. If the Complainant or Respondent feels a potential conflict of interest may exist with one or more members of the Equal Opportunity Grievance Committee pool, he or she will identify the potential conflict in writing and submit it to the EO. The EO will determine whether there is an actual conflict of interest, as defined above. If so, the identified pool member will not be considered for service on the Committee considering that particular matter.

Following the initial conflict of interest inquiry, the EO will solicit volunteers from the remaining pool to serve on an Equal Opportunity Grievance Committee to consider a particular matter. The EO will then select three members from among the volunteers and provide them with preliminary information regarding the matter, including the names of the parties and the nature of the grievance. The EO will ask the three members if they believe a conflict of interest exists. If any member believes they have a conflict of interest, the member will be removed from consideration for service on the particular Equal Opportunity Grievance Committee, and the EO will invite another person from the list of volunteers to serve on the Committee. This process will be repeated, if necessary, until all three members of the Committee confirm that they do not have a conflict of interest in considering the particular matter. When that occurs, the Equal Opportunity Grievance Committee is established.

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Appointment of Chair

The established Equal Opportunity Grievance Committee members shall appoint the Chair from among themselves.

Standard of Review

The Equal Opportunity Grievance Committee reviews the findings and recommendations of the Investigative Team. The committee may approve, overturn, or modify the findings and recommendations of the Investigative Team if it finds that (1) there is new information sufficient to alter a decision, but only if the new information was not known to the appellant during the Investigative Team’s investigation and could not have been discovered by the appellant if sought with reasonable diligence; (2) there is reason to believe that a procedural error so significant as to deny a fair hearing to either party occurred during the grievance process; or (3) the sanctions imposed are not appropriate for the violation which the Respondent was found to have committed.

Notice of Hearing

Within ten (10) working days of receipt of the appeal, the EO will notify the Complainant and the Respondent of the time and place of the hearing before the Equal Opportunity Grievance Committee. This process might be extended during periods between academic semesters when a quorum of the committee cannot be convened. The hearing will normally be scheduled within thirty (30) days of receipt of the written appeal.

Preparation for and Conduct of the Hearing

Written Statements on Appeal

Within ten (10) working days of filing the appeal, the party appealing the decision must submit to the EO the following information:

(a) detailed statement regarding the grounds for appeal; (b) names and addresses and anticipated testimony from witnesses to be called who can testify regarding the grounds for appeal; (c) copies approved by the Board of Trustees – November 2015
of any documents offered as evidence in support of the grounds for appeal; (d) additional materials the party believes the committee should obtain prior to the hearing and relating to the grounds for appeal; (e) reference to the portion of the Equal Opportunity policy alleged to be violated; (f) specific remedy(ies) requested; and (g) whether the party will be represented at the hearing by an advisor of the party’s choice and the identity of the advisor.

The EO will forward the information received to the non-appealing party within three working days of receipt. The non-appealing party may also submit the information described in (a) through (g), above, within five working days after receipt of the appealing party’s information. This information will be forwarded to the other party within three working days of receipt.

**Representation by Advisor**

Both parties have a right to be represented by an advisor of their choosing. The role of a party’s advisor shall be limited to consultation with their party and their party’s witnesses. The EO will inform each party and the Grievance Committee of the advisor(s) should there be any.

**Forwarding Appeal Documents**

The EO will forward copies of the Investigative Team’s written report, including any dissent and written comments from the parties submitted prior to the report’s finalization; the Vice President’s decision and any sanctions; the above-listed materials; and any additional evidence relevant to the matter to the members of the Equal Opportunity Grievance Committee at least five (5) days prior to the hearing.

**Pre-hearing Conference**

Prior to the date of the formal hearing the Chairperson of the Equal Opportunity Grievance Committee may call a pre-hearing conference. Topics discussed at a pre-hearing conference may include, but are not limited to: (a) whether the evidence presented is complete; (b) whether additional investigation is required; (c) whether additional witness should be called; and (d) time limits and order of presentation of evidence at the hearing. At the request of any party, the Committee will conduct separate meetings with the appellant and the respondent for purposes of the pre-hearing conference. Both parties must have timely and equal access to any information that will be used during the hearing.
With concurrence of a majority of the Equal Opportunity Grievance Committee, the hearing date may be postponed up to ten (10) days for additional investigation or to obtain additional witnesses or evidence.

The Hearing

The Chair of the Equal Opportunity Grievance Committee will conduct the hearing. The hearing will be a non-adversarial proceeding and strict rules of evidence will not be applied. However, the Chair of the Committee may limit or refuse to allow evidence or testimony that is not reasonably related to the grounds for appeal.

The hearing will be conducted to assure fairness. The parties and witnesses will address the members of the Committee rather than each other. The Chair will be the final arbiter of all matters of procedure. All hearings are closed to the public.

There shall be a single recording made of the hearing. Deliberations shall not be recorded. The recording shall be the property of the College.

The Decision

Within ten (10) working days of the conclusion of the hearing, the Equal Opportunity Grievance Committee will issue a written recommendation to the parties, the EO and to the Vice President with authority over the Respondent. The written recommendation will contain an analysis of whether (1) there was new information sufficient to alter a decision, but only if the new information was not known to the appellant during the Investigative Team’s investigation and could not have been discovered by the appellant if sought with reasonable diligence; (2) there was reason to believe that a procedural error so significant as to deny a fair hearing to either party occurred during the grievance process; and (3) the sanctions imposed were not appropriate for the violation which the Respondent was found to have committed. The written recommendation will also contain the Equal Opportunity Grievance Committee’s recommendation to approve, overturn, or modify the Investigative Team’s decision. The President will then review the Investigative Team’s report, including any dissent and written comments from the parties prior to the report’s finalization; the vice president’s decision regarding sanctions; and the Equal Opportunity Grievance Committee’s recommendation.

Within ten (10) calendar days of receiving the Equal Opportunity Grievance Committee’s recommendation, the President will approve the Equal Opportunity Grievance Committee’s recommendation

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recommendation unless (1) there was new information sufficient to alter a decision, but only if the new information was not known to the appellant during the Investigative Team’s investigation, (2) there was reason to believe that a procedural error so significant as to deny a fair hearing to either party occurred during the grievance process; or (3) the sanctions imposed were not appropriate for the violation which the Respondent was found to have committed. If it is determined that one of the aforementioned factors exist, within ten (10) days of receiving the Grievance Committee’s recommendation, the President will request that the Equal Opportunity Grievance Committee reevaluate their recommendation by addressing the factor(s) identified by the President. Within ten (10) calendar days of the request for reconsideration, the Grievance Committee will submit their final written recommendation to the President. The President will analyze the final recommendation on whether (1) there was new information sufficient to alter a decision, but only if the new information was not known to the appellant during the EO’s investigation and could not have been discovered by the appellant if sought with reasonable diligence; (2) there was reason to believe that a procedural error so significant as to deny a fair hearing to either party occurred during the grievance process; and (3) the sanctions imposed were not appropriate for the violation which the Respondent was found to have committed. Based on these factors, within ten (10) calendar days of receiving the final recommendation, the President will render a written decision that will modify, overturn, or approve the Grievance Committee’s final recommendation. The President’s decision is the final step of the Equal Opportunity Grievance Procedure.

The EO will communicate the final decision to the Equal Opportunity Grievance Committee, the Respondent, and the Vice President with jurisdiction over the Respondent. The EO will inform the Complainant of the sanctions as permitted by state and federal law.

CONFIDENTIALITY

Complainant, Respondent, and witnesses have privacy rights and reasonable expectations of confidentiality in the investigation of matters subject to this procedure. In addition, the integrity of the grievance process depends on ensuring reasonable expectations of confidentiality. The EO will keep confidential the complaint, report, witness statements, accommodations provided to the Complainant (if possible), and any other information provided by the Complainant, Respondent, or witnesses, and will disclose this information only to the Complainant, Respondent, or witnesses, as necessary to give fair notice of the allegations and to conduct the investigation; to legal counsel; to law enforcement consistent with state and federal law and College policy; to other

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College officials as necessary for coordinating interim measures or for health, welfare, and safety reasons or for subsequent proceedings under this policy (e.g. the appropriate vice president and the President); and to government agencies who review the College’s compliance with federal law. Members of the Grievance Committee and Investigative Team have the same strict obligations to keep all information they learn confidential and to disclose only as permitted by this policy. Information about complaints and reports, absent personally identifiable information, may be reported to College officials and external entities for statistical and analytical purposes pursuant to state and federal law and College policy.

**COMPLAINANT REQUESTS NO INVESTIGATION**

If a Complainant requests confidentiality or that the complaint not be pursued, the college will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. If a Complainant insists that his or her name or other identifiable information not be disclosed to the Respondent, Carroll will inform the Complainant that its ability to respond may be limited. The college will also inform the Complainant that Carroll prohibits retaliation against him or her for reporting a violation of the Equal Opportunity policy and that the college will not only take steps to prevent retaliation but will also take strong responsive action if it occurs.

Carroll College will evaluate Complainant’s request that his or her name or other identifiable information not be revealed in the context of the college’s responsibility to provide a safe and nondiscriminatory working environment. The EO will initiate confidential consultation with appropriate individuals to analyze the situation and assist in determining appropriate measures to take. Consultation will occur with the Vice President for Student Life, the Vice President for Administration, the Associate Vice President for Academic Affairs, and legal counsel. This group will weigh the request for confidentiality against the seriousness of the alleged conduct, whether there have been other complaints involving the same Respondent, and concerns about continued safety of the person reportedly harmed and members of the campus community. The group will decide whether a formal investigation should be conducted or whether the College should respond to the report in another manner, including taking informal actions such as those described in this policy.

**ANONYMOUS AND THIRD PARTY REPORTING**

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The EO accepts anonymous and third-party reports of conduct alleged to violate the Equal Opportunity Policy for purposes of compiling statistics of reported crimes. The individual making the report (Reporter) is encouraged to provide as much detailed information as possible to allow the EO or Investigative Team to investigate and respond as appropriate, including the date, location, and the type of incident. The EO or Investigative Team may be limited in the ability to investigate an anonymous report unless sufficient information is furnished to enable the EO or Investigative Team to conduct a meaningful and fair investigation.

**COOPERATION**

If an individual is not personally a victim of harassment or discrimination, but observes actions against others which the individual believes to be unlawful harassment or discrimination, the individual is required to notify the Equal Opportunity Officer/Title IX Coordinator. Exceptions to this include health care and mental health care professionals, victim advocates, and priests within the context of the sacrament of confession.

As a condition of their employment, employees are expected to cooperate in investigations of complaints filed under this policy. Employees’ failure to cooperate may result in discipline, up to and including termination. The college prohibits retaliation against any individual because he or she has filed a grievance under this policy, or against anyone who has testified, assisted, or participated in any manner in an investigation or a report of alleged harassment or discrimination.

**EXTERNAL COMPLAINTS**

Employees who believe that Carroll College has discriminated on the basis of race, color, national origin, sex, including sexual harassment, disability, age or retaliation may file a complaint with the Office for Civil Rights (OCR) of the U.S. Department of Education based in Seattle, Washington or the Educational Opportunities Section (EOS) of the Civil Rights Division of the U.S. Department of Justice, and a complaint based on religion with EOS of the U.S. Department of Justice.

Complaints based on discrimination or harassment in employment on the basis of race, color, national origin, sex, including sexual harassment, disability, religion, creed, pregnancy, marital status, or retaliation, may be filed with the Montana Human Rights Bureau: [http://erd.dli.mt.gov/human-rights-bureau.html](http://erd.dli.mt.gov/human-rights-bureau.html), 406-444-4356, or the U.S. Equal Employment Opportunity Commission: [http://www.eeoc.gov/employees/charge.cfm](http://www.eeoc.gov/employees/charge.cfm), 800-669-4000. The filing Approved by the Board of Trustees – November 2015
deadlines and the date from which they run may vary, depending on the type of discrimination or harassment alleged, whether the complaint is filed under state or federal law or both, and whether the complaint is first filed under this policy. The filing deadline may be as short as 180 days, or it might be longer, in some cases up to 300 days. Due to the complexity of the varying filing deadlines and the consequences of an untimely filing, an employee who is considering filing a complaint with a public agency is encouraged to seek legal advice regarding applicable filing deadlines or to contact the Montana Human Rights Bureau, the EEOC, or the U.S. Department of Education for further information.

III. 3. HARASSMENT

Reference EQUAL EMPLOYMENT OPPORTUNITY POLICY, Section IV.
III. 4. CONSENSUAL RELATIONSHIPS

Carroll College, through its mission, is committed to the principle that a positive learning environment is fostered by professionalism, respect, and trust. Students and employees must encounter the Carroll College community free from exploitation, harassment, and unlawful discrimination (affirmed by American Association of University Professors, Code of Professional Ethics). Certain romantic or sexual relationships may arise in circumstances which involve an inherent conflict of interest and present a potential for sexual harassment or discrimination, or charges thereof.

Those include relationships in which the following circumstances exist:
1. A romantic or sexual relationship between two members of the College community; and
2. One person in that relationship has actual or apparent authority to supervise, evaluate, or make decision(s) or recommendation(s) regarding the other person with respect to the other person’s education or instruction at the College, or as to his or her advancement, participation, benefits, or privileges in connection with or relating to his or her employment, education or instruction, housing, counseling, participation in athletics or any College activity at the College.

If and when the stated circumstances co-exist, the employee in a position of authority is immediately required to do the following: (1) discontinue exercising any authority over the other person; (2) report the relevant facts to his or her own supervisor; and (3) confer with his or her own supervisor with respect to the transfer of that authority to another. Prompt action is required in fulfilling these mandatory requirements.

In the event of a faculty/student relationship, “transfer of authority” must include, at a minimum, having grades and individual assignments reviewed by the faculty employee’s supervisor for appropriateness.

In the event of a relationship between two College employees, “transfer of authority” may include voluntary reassignment or separation, involuntary reassignment, or removal of the employee’s supervisory decision-making responsibilities which affect the subordinate employee in terms of assignment or reassignment, transfer, supervision, evaluation of performance, or other benefits, privileges, terms or conditions of employment. Decisions will be made in a manner consistent with Montana laws that prohibit marital status discrimination, except where provided otherwise by the reasonable demands of the position.

If the person in authority fails to fully or timely comply with those requirements, he or she will have violated this policy and will be subject to disciplinary sanctions, up to and including dismissal from employment by the College. This policy has College-wide application including without limitation relationships between faculty/student, faculty/faculty, faculty/staff, administrator/faculty, administrator/staff, administrator/student, advisor/advisee, supervisor/supervisee, staff/staff, or staff/student.

This policy is not considered to be an amendment to the College’s harassment policy but as preventative and complementary to the harassment policy. This policy is also considered as complementary to the College’s existing faculty and staff policies regarding nepotism.

Approved 2/25/10
Effective 3/1/10
Approved by the Board of Trustees – November 2015
III. 5. Employee Status Definitions

The following definitions have been established in order to standardize terminology and provide common understanding in our references to Carroll College staff employees:

Administrative Employees: All directors, vice presidents and the president.
Employee: A person who receives wages or a salary from Carroll.

Regular full-time employee: Those employees who work a minimum of 37.5 hours weekly and who maintain continuous regular employment status. Regular full-time employees will be eligible for all group benefits.

Regular part-time employees: Those employees who work less than 37.5 hours weekly, but not less than 20 hours on a minimum 9 month appointment, and who maintains continuous regular part-time employee status. Regular part-time employees will be eligible for the following group benefits: paid pro rata holidays and paid pro rata vacation and sick leave. Regular part-time staff are eligible for pro rata tuition remission for the eligible employee only. Regular part-time staff are eligible for pro rata tuition remission for the qualified dependents and spouse of the eligible employee. Regular part-time staff will be eligible for pro rata health insurance, and, at the same contribution level as full-time employees, college-sponsored life, AD&D, long term disability, and other benefits offered to full-time staff. If an employee works 1,000 + hours/year, he/she is eligible to participate in the group retirement plan.

Temporary employees: Those employees whose services are intended to be of limited duration (e.g., filling in for an illness or working for a certain project limited in duration). Temporary employees are not eligible for group benefits. Temporary appointments shall not extend more than six months in duration. If a temporary employee is subsequently hired as a regular employee, length of service will be determined by the most recent hire date.

Flex employees: Those employees who work on an as-needed basis less than 20 hours per week. Flex employees are not eligible for group benefits.

Nonexempt employees: Employees who are not exempt from the provisions of the Fair Labor Standards Act.

Exempt employees: Those employees who are not covered by the overtime provisions of the Fair Labor Standards Act and the Montana Wage Payment laws.

Modifications approved by Cabinet December 5, 2000.

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III. 6. Probationary Period

All temporary employees are probationary employees. In addition, all other staff employees serve a probationary period for the first twelve months of regular employment. During the probationary period, employment may be terminated by the employee or the college, at will, on notice to the other party, with no right to appeal, and for any reason considered sufficient by the party exercising this right of termination. Additionally, during the probationary period, earned, accrued annual leave may be used with prior approval by the supervisor.

Revised and approved by President 1/09/01.
III. 7. Position Descriptions

The Office of Human Resources maintains position descriptions of all existing full-time regular non-faculty positions. The position descriptions are used for employment, job analysis, position evaluation and performance evaluation.

The position description form is available electronically through the Carroll College web site (www.carroll.edu) or through the Office of Human Resources. All completed position descriptions can be saved and viewed from this site. The official position description, however, must contain original authorized signatures and will be maintained in the Office of Human Resources.

The supervisor and employee should collaborate in developing the position description. However, the supervisor has final authorization of position responsibilities.

Supervisors are responsible for updating position descriptions within their division whenever the duties and responsibilities of the position have changed.

When significant changes have occurred, the revised position description must be submitted to the supervisor and appropriate Vice President/President for initial approval and authorization. Annually, during the performance review, position descriptions must be reviewed and updated if necessary.

After review of the updated position description, the Office of Human Resources will notify the appropriate Vice President and supervisor of recommended action (e.g., title change, salary adjustment). Final authorization for changes as a result of significant changes to the position description must be discussed and approved by the President and Vice Presidents.
III. 8.  Internal Recruitment

In filling regular staff positions, whether vacant or new, the College may first seek to fill a position by appointment from within the College. In instances where the College attempts to fill a vacant or new position by recruitment from within the College, the College shall inform regular staff of the availability of the position and the qualifications thereof. The College will consider applications from qualified members of the regular staff. Notification of availability of a position given to regular staff shall not prevent the College from later conducting the recruitment process set forth in the Staff Recruitment Policy (Section 3, Number 7) for the same position. If the College elects to fill a regular staff position by recruitment from within the College, the provisions of Section 3, Number 7 shall not apply. The provisions of Section 3, Number 7 shall not apply to recruitment of temporary replacement for a staff member.
III.9. Staff Recruitment Process

When the provisions of Section 3, Number 6 do not apply, the recruitment process to fill vacant or new regular full or part-time staff positions may include the following elements and stages, unless ordered otherwise by the President.

Advertisement of the position to be filled. Because of the nature of the College there may be occasions when a staff position will be filled through the appointment of a member of the clergy of the Diocese of Helena who is qualified to fill the position. In this instance and for appointments made from within the College, a position may be filled without a formal search. For a temporary replacement of a staff member, the College may fill a vacancy without a formal search.

The appointment of a screening or search committee, when appropriate, to recommend the applicants that should be brought to the college for interview. The screening or search committee may include faculty and/or staff from various departments to assist in the search and screening process.

The acquisition of necessary credentials. Depending on the position, a resume, Carroll College application, letter of application, and reference information may be requested of each candidate for each available position.

A formal interview in which the applicant is brought to the campus for interview. Each person involved in a formal interview shall have had the opportunity to review the credentials of the applicant before the interview. Faculty and staff from other departments and other knowledgeable individuals may be asked to serve in the interview process. All those involved in the interview process will be invited to share impressions about each candidate.

Because of the centrality of the Carroll College Mission Statement to the objectives and goals of Carroll College, each person being considered for a staff position may be expected to prepare a written statement reflecting the candidate’s response to the mission of Carroll College. The written response to the Mission Statement must be prepared and submitted no later than the time of the formal interview. The response to the Mission Statement may be used to appraise the applicant’s sensitivity to and understanding of the mission and goals of the College.
III. 10. Staff Appointment

When a search or screening process has been used, the decision to make an employment offer for a staff position shall be made after consensus of the hiring supervisor, chair of the search/screen committee and appropriate Vice President. Before an offer is made, the chair of the search/screen committee must complete all necessary documentation and have it reviewed and approved through the Office of Human Resources. After Vice Presidential and Human Resources approval, the chair of the search committee (unless other arrangements have been made) will make an offer to the successful candidate.
III. 11. Promotions

An employee who is promoted to a higher level position may or may not receive higher pay. Determination of salary changes will include consideration of internal equity, market salaries, and position description changes. (See Position Description policy.)

If an employee changes to a position with lesser pay and has no choice but to change to that position, there will be no decrease in pay. However, if the employee chooses to change to that position, the pay may be decreased.

See the Position Descriptions policy, Section 3, Number 5 for pay adjustments based on position description changes.
III. 12. Reemployment

For a person who has had six months or more of continuous prior service as a regular employee and who is reemployed within one calendar year of leaving regular employment of Carroll College and completes his/her probationary period following reemployment, prior service will be reinstated and included in the total length of service. Such length of service will be used for the purpose of determining benefit levels and eligibility for those benefits where years of service determine eligibility and level (i.e., annual leave accrual rate, tuition remission benefit level, group retirement eligibility, service awards, etc.). The salary of a reemployed individual will be determined based on the qualifications of the position and experience of the individual and on appropriate salary range for that position.

When a former employee is reemployed, the Office of Human Resources will be responsible for keeping a record which will insure the reinstatement of appropriate prior service and that the employee has met the above criteria.
III. 13. Employment of Relatives

A person may not be employed in a position where he/she will be directly supervised by a relative. For the purpose of this policy, relatives are defined as: parent, spouse, child, sibling, uncle, aunt, niece, nephew, mother-in-law, father-in-law, grandmother, grandfather, grandchild, son-in-law, daughter-in-law, brother-in-law, sister-in-law.

When a situation that violates the above policy arises through promotion, transfer or marriage, the affected individuals have six months in which to settle the issue voluntarily. If the affected parties are unable to resolve the situation on their own, their immediate supervisor(s) and appropriate Vice President will discuss options and make a decision to resolve the situation at the end of the six month period. Their decision concerning which employee is to be transferred or terminated will be binding, unless an exception is made by the President.
14. Work Hours and Breaks
   During the academic year, normal Carroll College operating hours are Monday thru Friday from 8:30 a.m. to 5:00 p.m. with a one-hour lunch break. Facilities employees normally work a 40 hour work-week, Monday thru Friday from 8:00 a.m. to 4:30 p.m. with a half-hour lunch break. Time of work may differ depending on the nature of the job. Employees will work the hours designated by their supervisor.

   Summer operating hours generally begin the 1st Monday after graduation through the Friday prior to fall registration. General summer office hours will be from 8:00 a.m. to 4:00 p.m. with a half-hour lunch break.

   Flex time is available during summer hours with the following provisions:
   Offices will be open to the public Monday - Friday from 9:00 a.m. to 4:00 p.m.
   Employees must work the normally scheduled number of hours per week.
   Department heads are responsible, in conjunction with the appropriate administrator, to schedule the work force in accordance with the program guidelines so that service to students and others is not diminished.

   Flex time may be available during the academic year providing the above provisions are satisfied. Approval must be obtained by the employee’s supervisor and appropriate Vice President.

   Part-time employees will be assigned specific hours by their supervisor.

   If approved by the supervisor, employees may work through lunch and leave early on a specifically requested day.

   Full-time employees are allowed two 15 minute breaks plus a lunch break during a normal work day. Part-time employees are allowed one 15 minute break during each four-hour work period. A meal break of at least a half-hour should be scheduled for a work period of five consecutive hours. Breaks may not be banked for the purpose of shortening the regular work day. Scheduling and regulation of breaks is the responsibility of the supervisor.
III. 15. Employee Time Records

Each full-time staff member is issued a time sheet. Part-time employees are to complete a time card. Nonexempt employees must record actual hours worked and hours of absence from work during the pay period. Exempt employees will record only their time off during the pay period (see the Office of Human Resources with questions regarding exempt/non-exempt status).

All time sheets and time cards must be signed by the employee and the supervisor and forwarded to the Payroll Accountant. Time sheets are due by the 15th of each month; time cards are due by the 1st of each month.

Supervisors are responsible for insuring the accuracy of all employee hours worked and time of absence for lateness, sickness, holidays, vacations, and released time and reasons therefor.
III. 16. Telecommuting/Working from Home

There may be occasions when it is in the best interest of Carroll College, the department, and the employee for an employee to telecommute or work from home. Telecommuting or working from home is only feasible when the nature of the position permits such arrangements and the duties allow for efficient use of work time by telecommuting or working from home. Such arrangements may be made on a regular, ongoing basis or on a temporary, short-term basis. The supervisor may require the employee to provide progress or status reports on expected outcomes when the employee is telecommuting or working from home.

If a computer is needed, arrangements must be made in advance with the Information Systems Management department.

To telecommute or work from home, the employee must receive the approval of his/her supervisor and appropriate Vice President. In order to receive approval, the College office must be open and otherwise staffed with services available during regular college business hours (see Working Hours and Breaks policy, Section 3, Number 12).
III. 17. Personnel Files:

Each employee has the right to examine the contents of her/his personnel file dating from her/his first day of employment.

The College is committed to protecting the privacy and confidentiality of employment records. Access to employment records is allowed only as required by law or to persons with a need to know in the course of the performance of their duties for the College. If an employee believes that there is an error in her/his record, a statement to that effect may be added as a part of the permanent record. She/he may also request that her/his department process appropriate forms to initiate corrections.

All information obtained from medical examinations and inquiries will be collected and maintained on separate forms, in separate medical files, and will be treated as a confidential medical record. This information will be kept in a medical file in a separate cabinet apart from the location of personnel files, and specific persons will be designated to have access to the medical files. All medical-related information must be kept confidential, with the following exceptions:

(1) Supervisors and managers may be informed about necessary restrictions on the work or duties of an employee and necessary accommodations.

(2) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment or if any specific procedures are needed in the case of fire or other evacuations.

(3) Government officials investigating compliance with the ADA or other laws prohibiting discrimination on the basis of disability or handicap may be provided relevant information on request.

(4) Relevant information may be provided to workers’ compensation offices or “second injury” funds, in accordance with workers’ compensation laws.

(5) Relevant information may be provided to insurance companies if the College requires a medical examination to provide health or life insurance for employees.
Ill. 18. Verification of Employment

The Office of Human Resources often receives requests for verification of employment. The response of the Human Resources Office to outside requests for employment verification will be restricted to the release of the person’s name, employment dates and job title. Additional information, including salary information, can only be released with the written authorization of the employee. However, if the employee has provided such information to a third party, the Human Resources Office may confirm or deny its accuracy once the third party has provided the specifics.
III. 19. Call-back/On-call

At times, it is necessary for an employee to be called in to work outside of his/her regular work hours. In such cases, non-exempt employees will be paid 1 1/2 times their regular rate for the actual hours worked or a minimum of one hour, whichever is greater. Supervisors will notify employees who are affected by this policy and will maintain current telephone/pager numbers. Additionally, supervisors will determine call-back/on-call schedules.
III. 20. Discipline
   It is the policy of Carroll College that employees are subject to disciplinary action for job-related reasons.

   “Job-related reasons” means reasonable job-related grounds for taking disciplinary action based on failure to satisfactorily perform job duties, disruption of the College’s operations, or other legitimate business reasons.

   Discipline shall be commensurate with the seriousness of the offense. For example, the College, at its option, may utilize corrective counseling or a verbal warning before more severe disciplinary action is taken for routine performance deficiencies and lesser offenses. More severe disciplinary action, including termination, will be taken for more serious offenses and repeated lesser offenses.

   A supervisor will always investigate to determine the facts in order to decide whether discipline is appropriate and the appropriate level of discipline. In all situations involving discipline greater than a verbal warning, the supervisor is required to discuss the situation with the Director of Human Resources and Administrative Services before disciplinary action is taken.

   Each of the following disciplinary actions is independent of the other and does not necessarily follow in the order listed. Consequently, an employee may be suspended without having been on probation, or may be terminated without having been either on probation or suspended.

1. Corrective Counseling
   Corrective counseling may be provided to an employee for job-related reasons. Corrective counseling should consist of a straightforward discussion with the employee about matters deemed to be a problem with work performance or behavior. Corrective counseling must be documented in writing, with a copy given to the employee.

2. Verbal Warning
   A verbal warning may be given to an employee for job-related reasons. The nature of the problem will be fully explained to and discussed with the employee, and, if appropriate, the employee may be given a plan of improvement. The verbal warning must be documented in writing, with a copy given to the employee.

3. Written Reprimand
   A written reprimand may be given to an employee for job-related reasons. A reprimand must be in writing and must contain a description of the specific conduct for which the employee is being reprimanded. The employee must be given a copy of the reprimand. If appropriate, a written reprimand may contain a plan of improvement.
4. Disciplinary Probation
(Not to be confused with the probationary period for newly employed staff.) A disciplinary probation may be given to an employee for job-related reasons. The terms of a disciplinary probation must be in writing and must contain the following:

a. The specifics of the conduct for which the employee is being placed on probation.
b. A plan of improvement the employee must follow to get off probation.
c. The length of time of the probation.

5. Suspension
An employee may be suspended for job-related reasons.

A suspension may be with or without pay and may result in termination or reinstatement with or without back pay; however, exempt employees may be suspended without pay only for a period of one or more weeks. The purpose of a suspension may be to provide an opportunity to determine the facts of a matter.

An employee who has been suspended is to leave work for the period specified, or in the case of an investigation, is to return to work only when he/she has been instructed to do so in writing. A suspension must be in writing, must contain a description of the specific conduct or reason for which the employee is being suspended, and a copy of the suspension must be given to the employee. If appropriate, a suspension may include a plan of improvement.

6. Disciplinary Demotion
An employee may be given a disciplinary demotion for job-related reasons. The terms of a disciplinary demotion must be in writing, must contain a description of the specific conduct or reasons for which the employee is being demoted, and a copy of the disciplinary demotion must be given to the employee. If appropriate, a disciplinary demotion may include a plan of improvement.

7. Termination for Good Cause
An employee may be terminated from employment for job-related reasons. See Dismissal/Termination Policy, Section 8, Number 3. Notice of a termination must be in writing, and a copy of the notice must be given to the employee. No employee may be terminated without the approval of the appropriate Vice President or President.
III. 21. Staff Grievance Procedures for Conditions of Employment

Carroll College recognizes the right of employees to express their grievances and to seek a solution with concerns arising from working relationships, working conditions, employment practices or differences of interpretation of policy which might arise between the College and its employees. This policy may be used to grieve an action, a failure to act, a decision, unethical behavior or similar adverse behavior. This policy does not apply to termination of a probationary employee.

All grievances should be immediately referred to the Director of Human Resources and Administration.

An employee may exercise his or her rights under this policy without being subject to reprisal, harassment, or retaliation by any supervisor, department head, or other persons with administrative control and responsibility.

Informal Review Process

Every effort should be made to resolve the employee’s complaint informally within the department. However, if an employee is unable to resolve the grievance with the appropriate supervisor, the employee should go to the next level of supervision to discuss the problem. The employee may wish to pursue an informal resolution with the assistance of the Director of Human Resources and Administrative Services.

Originating a Formal Grievance

Should an employee feel after informal attempts that the complaint is not resolved to the employee’s satisfaction, the employee may initiate a formal grievance.

Step 1: The employee may originate a grievance within ten (10) work days of the date the grievance occurred or was discovered by the employee, by presenting the facts in writing to his or her immediate supervisor with a copy to the Office of Human Resources. The grievance should contain a complete statement of the nature of the problem, the reasons for the employee’s dissatisfaction and the employee’s desired solution. The supervisor must provide the employee with a written decision within five (5) work days of receipt of the grievance.

Step 2: If the employee is not satisfied with the response in Step 1, the employee may, within five (5) work days of the receipt of the response, submit the grievance to the next level of supervision, with a copy to the Director of Human Resources and Administrative Services. The supervisor at this level shall, within five (5) work days of receipt of the grievance, submit a written decision to the employee and the immediate supervisor, with a copy to the Director of Human Resources and Administrative Services. This shall be repeated for each additional level of supervision until the appropriate Vice President has been provided an opportunity to resolve the grievance.

If the grievant reports directly to the President, the President may elect to refer the grievance to the Grievance Committee before rendering a decision.

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Step 3: If the employee is not satisfied with the Step 2 response, the employee may request an appeal within five (5) work days of receipt of the final Step 2 response by submitting the appeal request to the Director of Human Resources and Administrative Services. The Director will coordinate a hearing by a Grievance Committee which shall be established as follows:

The grievant or grievant's representative may designate one Carroll employee (not necessarily a staff member).

The "defending" employee or department representative may designate one Carroll employee (not necessarily a staff member.)

The selection of the third member shall be made by the grievant and the defending employee or department representative. If they are unable to agree within three (3) work days, the selection will be made from a list of five Carroll employees provided by the Office of Human Resources. The selection will be made by reducing the list in alternative turns. The toss of a coin shall determine the elimination sequence.

The Grievance Committee may consider, among other things:

1. Whether there was compliance with relevant laws, rules, regulations, and policies.

2. Whether, in cases of disciplinary action, there existed a reasonable basis for the action. A hearing will be scheduled as soon as feasible after selection of the third committee member. The Grievance Committee shall keep a record of the hearing before it, including any exhibits or papers submitted to it in connection with the hearing and a record of any testimony taken.

Either party may choose to have an attorney present during the Grievance Committee hearing; however, legal counsel may not participate in the hearing, but may only be present to advise the employee. The cost of said legal counsel is the responsibility of the respective employee(s). The cost of a transcript (if requested) shall be paid by the party who requests it.

Because of the privacy interests involved in the subject matter of many grievances, grievance hearings will be closed unless both parties agree otherwise. Only the Grievance Committee members, the grievant, the defending employee or department representative, their legal counsel, the Director of Human Resources and Administrative Services, and any witnesses called by the Committee or either party will be allowed to attend proceedings of the hearing. Deliberations of the Committee will be in a closed session among committee members only.

The Grievance Committee will submit its written findings and recommendations to the President, with a copy to the parties, the appropriate Vice President and the Director of Human Resources and Administrative Services, within ten (10) work days of completion of the hearing.

The President will submit a written decision to the parties, the appropriate Vice President and the Director of Human Resources and Administrative Services within five (5) work days of receipt

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of the Grievance Committee's findings and recommendations. The President's decision is final.

Additional Provisions:

1. The time limits set forth may be changed by mutual written agreement of the parties. A copy of their agreement must be submitted to the Director of Human Resources and Administrative Services. The time limits may also be changed by the President for good cause.

2. Any disposition which is not appealed by the grievant employee within the time allowed at each level shall be considered settled and binding on the employee and College.

3. The Director of Human Resources and Administrative Services shall keep records of the progress of the grievance regarding sequence and time limits.

For Equal Opportunity Grievances, see III.2.
III.22. Teaching and Working with Minors

Carroll College is committed to promoting the safety and well-being of all Minors who participate in Carroll-sponsored programs and take academic courses at Carroll College. For purposes of this policy, a “Minor” includes children under the age of 18 years. The purpose of this policy is to describe requirements for faculty, staff, students, volunteers and others who work with Minors to promote the protection of Minors and compliance with applicable laws. As such, Carroll College strictly prohibits child abuse and neglect and sexual abuse of Minors. (See MT Ann. Code § 41-3-102).

Although this policy refers to Minors, its requirements apply with equal force to activities and programs sponsored and run by Carroll College when the participants are adults who are developmentally disabled or who have diminished mental capacity.

This policy applies to activities and programs sponsored and run by Carroll College, regardless of whether the activities take place on or off Carroll’s campus. Examples include but are not limited to athletic camps, swimming lessons held on campus, academic camps, and ACE courses that include Minor attendees. Any questions regarding applicability of this policy to a program should be directed to the Vice President for Finance and Administration.

Minors participating in such programs must be reasonably supervised by an “Authorized Adult.” An Authorized Adult is an adult who is employed by or volunteering for Carroll and who is responsible for either escorting or supervising the Minor(s) while participating in Carroll-sponsored programs and activities. Prior to working with Minors, all Authorized Adults are required to read and agree to Carroll’s Code of Conduct, successfully complete Minors training, as well as successfully complete a criminal background screening. Failure to meet any of the aforementioned requirements will preclude an employee or volunteer from working with a Minor at Carroll College. For employees and students, failure to comply with Carroll’s Code of Conduct related to working with Minors will result in disciplinary action.

All third party contractors using Carroll College facilities who offer programs to Minor participants will be required to meet recognized standards of conduct set forth in their contracts with Carroll College. All Authorized Adults are required to report any instances of known or suspected child abuse or neglect or sexual abuse relating to Minors. Authorized Adults must:

- Call 911 for situations that involve life-threatening emergencies;
- Contact the Montana Department of Child and Family Services Hotline, 1-866-820-KIDS (1-866-820-5437);
- Report potential violations of this policy to Carroll College’s Equal Opportunity Officer, Renee McMahon, 406-447-5501, rmcmahon@carroll.edu, immediately following reporting through one of the mechanisms above.

Failure to comply with this policy will result in disciplinary action appropriate to the Authorized Adult’s relationship to Carroll.

Approved by the Board of Trustees: February 22, 2013

Approved by the Board of Trustees – November 2015
IV. Leave Policies

IV. 1. Annual Leave

Annual Leave with pay is earned by staff employees for the purpose of freeing them from their regular duties (See Working Definitions of Annual Leave policy, Section 4, Number 3) and promoting a balanced, healthy lifestyle. Employees are encouraged to take their leave entitlement rather than carry it forward from year to year.

Non-probationary, regular staff employees who work a minimum of twenty hours/week, are eligible for annual leave. For employees working less than full-time or full-time for fewer than twelve (12) months, annual leave is accrued on a prorated basis. Upon completion of the probationary period, new employees accrue annual leave based on the length of time therein.

Annual leave accrual will be based on the date of employment with increases effective on the anniversary of the employee’s hire date. The increases in accrual rate will be made in accordance with the schedule below. All references to days pertain to work days:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Accrual Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st - 5th year</td>
<td>12 days/year</td>
</tr>
<tr>
<td>6th - 10th year</td>
<td>15 days/year</td>
</tr>
<tr>
<td>11th - 15th year</td>
<td>18 days/year</td>
</tr>
<tr>
<td>Over 16 years</td>
<td>21 days/year</td>
</tr>
</tbody>
</table>

Vice-Presidents and other chief administrative officers responsible for a major division of the College, as designated by the President, are entitled to 20 work days annual leave per year.

Carroll College operations govern vacation approval. Consideration is given first to the convenience of College operations, then to departmental needs, and finally to the employee’s preference.

All regular employees may accumulate annual leave hours. Regular full-time employees may accumulate up to 20 work days or 150 hours (160 hours for departments working 40 hour work weeks). Regular part-time and regular full-time employees who work less than twelve (12) months per year may accumulate up to the equivalent number of days or hours on a prorated basis. Annual leave will not accumulate beyond 20 work days or 150 or 160 hours, respectfully; or the equivalent on a prorated basis for regular part-time employees and regular full-time employees who work less than twelve (12) months per year.

The employee must obtain authorization from his/her supervisor before taking annual leave. The supervisor may determine the means of obtaining the authorization.

Annual leave can only be taken to the extent it is actually earned and will be computed/charged on an hourly basis on the monthly timesheet, signed by the employee’s supervisor, and turned in to the Payroll Accountant. Leave taken beyond accrued, paid leave (leave without pay status), may be authorized by the supervisor with approval from the appropriate Vice President.

When employment begins or ends during a month, the accrual of annual leave shall be prorated.

Approved by the Board of Trustees – November 2015
for the month when the employee is hired or terminated and does not work a full month. When a holiday occurs during annual leave, the holiday is not considered a day of vacation.

Regular non-probationary employees who terminate employment after completing the probationary period will be paid for earned unused annual leave.

Revised November, 2005; effective date January 1, 2006.
IV. 2. Sick Leave

Sick leave is intended for time off to recover from periodic short-term illness or accident, for doctor or dentist appointments during a regularly-scheduled work shift, and to build up for use in the event of a long term illness or serious injury (see Definitions of Sick Leave Policy, Section IV. 3.) For regular, full-time employees, sick leave is accumulated at the rate of one day per month of employment up to six months accrual; regular, part-time employees working more than 20 hours per week accumulate sick leave on a prorated basis. Accumulated sick leave is carried forward from year to year. In cases of serious illness, see the Family Medical Leave Policy, Section IV. 5.

If the supervisor feels the necessity for a physician's verification, the employee must provide such a statement or the time off may be without pay. An employee who cannot report to work due to illness or accident is required to notify his/her supervisor directly at least one half hour before the beginning of the work shift and each shift thereafter that s/he is unable to report to work. In rare circumstances this may not be feasible; in this event, the supervisor must be notified of the absence as soon as possible. If this procedure is not followed, the absence may be without pay and disciplinary processes may be initiated.

With supervisor approval, up to one work week (37.5 hours or 40 hours, depending on the employee’s normal work week) per calendar year of accrued sick leave may be used to tend to the needs of family members who are ill or to assist them in obtaining medical services. Eligible family members include child (natural, adoptive, foster or step-child), spouse, parent (natural, adoptive, foster, or step-parent) or another family member who is financially or legally dependent upon the employee or who depends on the employee for the purpose of the employee providing care to the family member. In cases of life-threatening illness or injury of an eligible family member, an employee may use his/her sick leave to tend to the illness or to assist in obtaining medical services (e.g., assisting with chemotherapy treatments). See Family Medical Leave Policy, Section IV.5.

In cases of long-term personal or immediate family illness or injury, an employee who has exhausted all of his/her accrued vacation and sick leave may receive sick leave donations from members of the Carroll Community. See Donation of Sick Leave Policy, Section IV. 11.

Accumulated sick leave may be used for any period(s) of actual disability caused or contributed to by pregnancy. Beyond the period of disability, an employee may request use of parental leave, annual leave, family leave, or leave without pay to provide for an extended post-delivery period away from work. See Parental and Maternity Leave policy, Section IV, 6).

The balance of unused, accrued sick leave is not paid at termination of employment.

Revised February, 2011. Effective date: March 1, 2011

Approved by the Board of Trustees – November 2015
IV. 3. Working definitions of Sick and Annual Leave

Earned, accrued sick leave is to be used to recover from short or long-term illness or injury; whenever an employee is physically, emotionally or psychologically unable to adequately function at work; to prevent the spread of disease or illness; and for doctor or dentist appointments during the work shift. In the supervisor’s discretion, a doctor’s notice may be required.

Earned, accrued annual leave is to be used for personal fulfillment or enjoyment, for rest or recreation; whether for a portion of a day or for a week or more, to spend alone or in the company of friends and/or family. In general, if an employee is taking a “personal” day and the reason for the day off does not fit the definition provided above for sick leave, the leave shall be deemed as annual leave.
IV. 4. Holidays

Carroll College observes the following holidays during the calendar year:

New Year’s Day
Martin Luther King Day
Special Holiday (Last Friday of Spring Break) Good Friday Easter Monday
Memorial Day
Independence Day
Labor Day
Special Holiday (if Monday of fall break falls on Columbus Day, the holiday will be on Monday of fall break, otherwise the holiday will be observed Friday of fall break)
Special Holiday-Wednesday before Thanksgiving
Thanksgiving Day
Special Holiday - Friday After Thanksgiving
Special Holiday - Christmas Eve
Week Between Christmas Day and New Year’s Eve
Any other day declared as a holiday by the President.

Holidays falling on Saturday will be observed and paid as a holiday on the preceding Friday. Holidays falling on Sunday will be observed and paid as a holiday on the following Monday.

On holidays, certain offices of the college will need to be open, and some maintenance will have to be done. Staffing requirements will be established in each area by the supervisor and appropriate vice president.

Employees who work on a holiday will be given an equivalent number of hours of leave, to be used prior to the end of the fiscal year.

Newly-hired employees are immediately eligible for holiday pay. Regular part-time employees are eligible for holiday pay on a prorated basis if normally scheduled to work on the holiday.

An employee may receive holiday pay if the holiday falls during the employee’s approved annual leave period, the employee becomes ill or is injured, or extenuating circumstances occur (i.e., jury duty, death in the family). For terminating employees to receive holiday pay, the employee must work the day after the holiday.

IV. 5. Family Medical Leave

**Leave Under the Family and Medical Leave Act:** Employees who qualify for leave under the Family and Medical Leave Act of 1993 (FMLA) may take a leave of absence of up to 12 weeks, or in some cases up to 26 weeks, during the applicable 12-month period. Except as set forth below, the 12-month period begins from the date the employee’s first FMLA leave begins.

**Eligibility:** In order to qualify for FMLA leave, the employee must meet the following conditions:

a. The employee must have worked for Carroll at least twelve months; and

b. The employee must have worked at least 1,250 hours during the twelve-month period immediately preceding the date the leave would begin.

The twelve-month period of working for Carroll does not have to be consecutive months if the employee’s break in service was less than seven years. If the employee’s break in service was longer than seven years but was occasioned by military service, the employee may still qualify for FMLA leave.

In determining whether an employee has worked at least 1,250 hours during a twelve-month period, an employee returning from fulfilling his or her National Guard or Reserve military obligation will be credited with the hours of service that would have been performed but for the period of military service.

**Types of Leave Covered:** In order to qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

a. The birth of a child and in order to care for that child;

b. The placement of a child with the employee for adoption or foster care;

c. To care for a spouse, minor child or parent with a serious health condition;

d. A serious health condition of the employee that makes the employee unable to perform the functions of the employee’s job;

e. A qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation; or

f. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, or next of kin of the servicemember.

Employees with questions about what conditions or situations are covered under the FMLA policy or under Carroll’s sick leave policy are encouraged to consult with the Office of Human Resources.

Approved by the Board of Trustees – November 2015
Covered Servicemember Leave. If an employee qualifies for leave under category (f), he or she is entitled to 26 weeks of leave to care for a covered servicemember with a serious injury or illness during a single twelve-month period. The “single twelve-month period” begins on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends twelve months after that date, regardless of how the twelve-month period is calculated elsewhere in this policy. If the employee does not utilize all 26 weeks of leave during the single twelve-month period, the remaining time is forfeited.

Married Employees. If a husband and wife are both Carroll employees and qualify for FMLA leave, each of them may take FMLA leave for a qualifying reason in the same manner as if they were not married to a Carroll employee.

Requesting Leave. Employees requesting FMLA leave must provide notice (verbal or written) with an explanation of the reason(s) for the leave to their immediate supervisor, who will advise the Office of Human Resources.

When an employee plans to take FMLA leave, the employee must give Carroll at least 30 days’ notice. If it is not possible to give 30 days’ notice, the employee must give notice as soon as practicable. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to Carroll’s operations. When the need for FMLA leave is not foreseeable, an employee must provide Carroll notice as soon as practicable, or within three business days, whichever is sooner.

If an employee fails to provide notice as required by this policy, absent unusual circumstances, the leave request may be delayed or denied.

Certifications: Employees taking leave under categories (c), (d), (e), or (f) must provide Carroll with a copy of a certification supporting their request for leave under the respective category within 15 days of a request from Carroll. Certification forms are available from the Office of Human Resources. If an employee fails to provide the requested certification or provides an incomplete or insufficient certification after having an opportunity to cure any problem, Carroll may deny the FMLA leave, unless the reason for the complete failure to provide the certification is because it was not practicable under the circumstances to do so despite the employee’s diligent, good faith efforts.

Carroll has the right to ask for a second opinion if it has reason to doubt the validity of a medical certification. Carroll will pay for the employee to get a certification from a second doctor, which Carroll will select. If necessary to resolve a conflict between the original certification and the second opinion, Carroll may request the opinion of a third doctor. Carroll and the employee will jointly select the third doctor, and Carroll will pay for the opinion. This third opinion will be considered final and binding.

Intermittent Leave or Reduced Work Schedule: Leaves taken for categories (c), (d), (e), or (f) (if the serious injury or illness of the covered servicemember requires treatment by a health care provider periodically, rather than for one continuous period of time) may be taken intermittently or on a reduced leave schedule when medically necessary, as applicable, and as allowed by the FMLA, but such leave may not exceed the maximum available leave during the applicable twelve-month period. Employees seeking leave for a serious health condition or because of the serious health condition of a family member should approved by the Board of Trustees – November 2015
try to reach agreement with Carroll before taking intermittent leave or working a reduced hour schedule, so that the college’s operations will not be unduly disrupted. If an employee requests intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment, or for leave granted under categories (a) or (b), Carroll may require the employee to temporarily transfer to an available alternative position offered by Carroll for which the employee is qualified, and that has equivalent pay and benefits, and better accommodates recurring periods of leave than the regular employment position of the employee.

Leaves granted for categories (a) and (b) must be taken within one year of the birth or placement of the child and may be taken intermittently, or on a reduced leave schedule, if Carroll agrees, unless the leave is necessitated by a serious health condition related to the birth of a child or the child has a serious health condition.

**Health Care and Other Benefits on FMLA Leave:** While an employee is on FMLA leave, Carroll will continue to make the employer’s contribution to the group health plan at the same level and under the same conditions as if the employee had continued to work.

While on paid leave, Carroll will continue to make payroll deductions to collect the employee’s share of the premium, if any. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Business Office by the fifteenth (15th) day of each month. If the payment is more than 30 days late, the employee’s health care coverage may be dropped for the duration of the leave.

Carroll will continue making payroll deductions for other benefits while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits, but he or she must pay the employee’s share of the premiums, either in person or by mail. If the employee does not continue these payments, Carroll may discontinue coverage during the leave. If Carroll elects to maintain coverage by paying the employee’s share of the premium payments, Carroll may recover the costs incurred for paying the employee’s share of any premiums, whether or not the employee returns to work.

If the employee fails to return to work at the end of an FMLA leave, Carroll will require the employee to reimburse Carroll the amount it paid for the employee’s group health coverage during the leave, unless the employee’s failure to return to work is due to the continuation, recurrence, or onset of a serious health condition of the employee or the employee’s family member; a serious injury or illness of a covered servicemember, which would otherwise entitle the employee to leave under the FMLA; or other circumstances beyond the employee’s control.

**Pay During FMLA Leave:** Employees taking leave under the FMLA are required to utilize any paid leave time concurrently with and not in addition to FMLA leave. Sick leave may be substituted for unpaid leave if the reason for the FMLA leave is covered by Carroll’s sick leave policy. When allowable paid time has been used, the remainder of an FMLA leave will be without pay. Employees may not use paid time in addition to FMLA leave to extend the total leave beyond that allowed by the FMLA.

**Reporting During FMLA Leave:** While on FMLA leave, employees may be required to report periodically to the employee’s supervisor regarding the status of the medical condition and the intent to return to work. Approved by the Board of Trustees – November 2015
**Return to Work:** Except as otherwise provided under the FMLA, employees taking leave under the FMLA will be returned to the same position the employee held when his or her leave commenced, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. The position will be the same or one which entails substantially similar duties and responsibilities, which will entail substantially equivalent skill, effort, responsibility, and authority. Before returning to work, an employee may be required to provide a “fitness for duty” certification.

Approved 4/6/10
Effective 5/1/10
IV. 6. Parental and Maternity Leave Policy

6.1 All regular staff and administrators may be eligible for 15 work days per year of paid parental leave. To receive parental leave, the employee or the employee's spouse must be pregnant with or give birth to the employee's child, or the employee must adopt a child. Parental leave must be taken (and will be paid for only if taken) during the time when the employee or the employee's spouse is pregnant or within 60 calendar days after the date of the birth or adoption of the child. To the extent an employee may be eligible for leave under both this parental leave policy and the Family Medical Leave Act, any leave used counts against the employee's entitlement to leave under both this and the Family Medical Leave Act.

6.2 Maternity Leave: Accrued sick and annual leave, and parental leave may be used for maternity leave, but otherwise such leave will be unpaid. Most physicians recommend recovery from a "normal" delivery to be six to eight weeks. Under Montana law, all female employees have the right to a reasonable leave of absence for pregnancy. To the extent the employee may be eligible for this leave under both Montana law and the Family Medical Leave Act, any leave used counts against the employee's entitlement under both laws.

6.3 Carroll College will continue to pay its share of health insurance, life insurance, disability insurance, and retirement in accordance with the respective plans when an employee is on parental or maternity leave. Arrangements should be made in advance with the Business Office to pay the employee's portion of insurance contributions.

6.4 An employee who anticipates taking parental or maternity leave should submit the expected dates of leave to his or her supervisor and to the Director of Human Resources and Administrative Services as soon as possible.

6.5 Upon completion of parental or maternity leave, the employee will be reinstated to his/her original job or to an equivalent position with equivalent pay and accumulated seniority, retirement, and fringe benefits unless the College's circumstances have so changed to make it impossible or unreasonable to do so.
IV. 7. Jury or Witness Duty

Release time is granted to an employee who is summoned to jury or witness duty. Pay received for jury duty is to be submitted to the Business Office and the employee will be paid at the employee’s current base rate of pay.

Employees should notify their supervisor as soon as possible after learning of the jury or witness duty assignment. Proof of jury or witness duty (i.e., the court summons) may be required in advance of the jury or witness duty assignment.

When excused from jury or witness duty, the employee must report to work as soon as possible.
IV. 8. Bereavement Leave

Bereavement leave is granted to regular employees to take time off to express sympathy for and to grieve the loss of a family member. Time off for a death in an employee's or spouse's family will be considered time off with pay and is not chargeable against sick leave or accrued annual leave. Such leave must be approved by the employee's immediate supervisor. An employee may take up to eight (8) paid days off for a death (e.g., spouse, child, parent) per calendar year.

With the supervisor's approval, an employee may attend a funeral for reasons other than death in the immediate family. For such absences, employees may use earned annual leave or may take time off without pay.

Time off, not to exceed one day, may be granted to attend the funeral of a fellow employee with approval of the supervisor. Such absence will be treated as leave with pay.
IV. 9. Military Leave

The term "service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service and includes active duty, active duty for training, inactive duty training, full-time National Guard duty and a period for which a person is absent from employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

Regular non-probationary, exempt employees will be granted the necessary time off to provide service in the uniformed services, and will be paid the difference between the amount the staff member receives from the military and the regular base Carroll College salary for a period of temporary military leave, not to exceed three months. The staff member shall present to his/her supervisor a statement from the Commanding Officer as to the length of the service and the amount of money received for the period. The supervisor, in turn, shall attach a copy of this statement to a Personnel Change Authorization Form (goldenrod), and forward it to the Office of Human Resources.

In all other cases, a leave of absence without pay will be granted for military leave as required by applicable state and federal law.
IV.10. Leave of Absence

Leaves of absence for reasons other than those specified in Carroll College policy, with or without pay, may be granted only by the President through a recommendation by the appropriate Vice President and supervisor. Such leaves will normally be considered only for employees with five or more years of service to the College for reasons of mutual benefit to the College and to the employee, and where arrangements can be made for satisfactory completion of the employee’s work during the leave.

Requests for such leave must be submitted in writing stating the purpose of the leave. Beginning and ending dates must be specified. If the leave is granted, the employee must report to a designated person at the College at specified time intervals. Failure of the employee to report as requested, or to report for duty when the leave expires, may result in termination.
IV. 11. Donation of Sick Leave

An employee who has used all of his/her accrued sick leave may receive sick leave donations from other employees. The procedures for receiving or giving donations are:

1. The employee in need of donated sick-leave should contact the Director of Human Resources who will notify the campus community of the need and record the distribution of donated sick leave.

2. Sick leave donors must have an accrued sick leave balance in excess of 75 hours. Only accrued sick leave hours in excess of 75 are eligible to be donated.

3. Donated sick leave may be used for up to 6 consecutive months or until the employee, if applicable, is eligible for disability benefits, whichever occurs sooner.

4. Sick leave donation forms will be available from the Office of Human Resources. Employees wishing to donate a portion of their accrued sick leave must return completed donation forms to the Director of Human Resources.

5. Sick leave will be transferred from the donor to the donee on an hour-for-hour basis.

6. A percentage of the total sick time required, to be divided equally among all donors, or the total donation, whichever is less, will be transferred from the donor’s sick leave balance to the donee.

7. An employee who is eligible for FMLA leave must use sick leave as paid leave under the FMLA policy.
IV.12. Inclement Weather

In severe weather, the campus may close and classes may be cancelled. In such an event, local media will be contacted and an announcement will be made that Carroll College is closed. The President will declare whether the campus is closed. Only “key employees” will be required to work during the period when the institution is officially closed. All other staff employees will be granted leave with pay for hours which they would normally work during a closure. "Key employees" are designated by the supervisor.

Employees who are unable to report to work when the college remains open during inclement weather shall notify their supervisor at the beginning of the work day and take annual leave or leave without pay.
IV. 13. Return to Work

An employee on leave for medical reasons is required to report his/her status to his/her supervisor on a regular basis, as requested by the supervisor. As soon as an employee is released for any type of work, whether regular duty, "light duty," "limited duty," or any other type of restriction, s/he is to report that information to his/her supervisor. A written statement of the restrictions is to be provided by the employee from his or her physician to his or her supervisor.

Normally, jobs will not be created for an employee for restricted work. Instead, an employee will be reassigned to his/her former position with alterations/accommodations made to comply with the restrictions prescribed by the physician, if possible.

Before returning to a restricted duty job, Carroll has the right to require the employee to undergo an examination by a physician selected by Carroll. Carroll will pay for this examination.

Generally, employees are not permitted to work elsewhere at Carroll College while on a leave of absence, unless approved in advance by the Office of Human Resources.

Although Carroll College will make necessary accommodations, the College does not guarantee the availability of restricted duty work on a regular basis to those who are available for it. In most cases, the maximum duration of a restricted duty job is the exhaustion of benefits for time off under the Family and Medical Leave Act. See Family and Medical Leave Policy.

This policy will be coordinated with all other Carroll College policies and applicable laws.

In the event an employee is on leave due to a job-related injury or disease, s/he may use earned, accumulated sick leave for the first six days of leave. Upon the 7th day of absence and throughout the remainder of the leave, the employee will be paid directly by the carrier of Carroll College’s workers’ compensation insurance.
IV. 14. Developmental Leave Policy

14.1 A member of the staff may be granted a developmental leave for retraining or professional development. In approving a developmental leave request, the College wishes to recognize years of service on the staff at Carroll and to encourage staff members to continue their professional development and association with the College.

14.2 Full-time members of the staff with at least seven (7) continuous years of service to Carroll College are eligible for a developmental leave not to exceed 12 consecutive months.

14.3 The base stipend for approved developmental leaves shall be full salary for developmental leaves up to the period equivalent of one semester and not to exceed 50% of salary for a leave of more than the equivalent of one semester.

14.4 The number of developmental leaves granted will depend upon the impact to the College and the College’s financial ability to meet the need for developmental leave requests.

14.5 Requests for staff developmental leave are encouraged to be submitted to the appropriate department head in January or July and the submission should be received at least six months prior to the start of the proposed leave.

14.6 A written proposal must be prepared by the interested staff member describing the planned use of the leave and its anticipated benefits to the College and to the staff member.

Details of the proposal must include:

A. An overview identifying the goals, objectives and activities planned for the leave.

B. Expected results from the leave.

C. Relationship of the leave request to current skills and anticipated skill development.

D. Outline of the benefits to the staff member, students, department and College.

E. Requested period of leave (up to 12 months).

F. How workload/responsibilities will be covered during the period of leave.

G. Documentation that the criteria set forth in #2 above are met.
14.7 In addition to the proposal, the staff member must also submit a signed agreement to return to the College upon completion of the leave for a period of time at least equal to the leave time or to refund the College’s stipend payment.

14.8 The proposal and agreement shall be presented to the staff member’s direct supervisor then to the department head. The department head will consider the merits of the request, options for handling the resulting workload, and budget implications. The department head will ask the Director of Human Resources to verify the years of service requirement. The appropriate Vice President will review the request and the comments from the department head and make his/her recommendations to the President. The President will approve or deny the request.

14.9 No vacation or sick leave will accrue during the developmental leave period. Other benefits provided for and offered to full-time staff during the time of leave will be continued.

14.10 Upon the completion of the developmental leave, the staff member must present to the appropriate Vice President and to the immediate supervisor, an account of the activities engaged in during the leave period. This report should verify the proposal submitted in application for the developmental leave.
V. Compensation and Benefits

V.1. Salary and Wages

Staff salaries are determined primarily by market averages of comparable positions and years of service of the incumbent. Education, experience of the incumbent, internal (Carroll College) equity, and budget consideration may also be considered. Referenced salary data include sources from published salary surveys by the College and University Professional Association for Human Resources (CUPA-HR) and the Montana Department of Labor in order to determine market averages. Targeted staff salaries are largely determined by years of service in a position relative to the market salary data for the individual position. Additionally, the salary system is designed to allow for the adjustment of the market target salaries as well as an annual 1% experience increment. Through the budgetary process, a defined percentage to market average is recommended to and approved by the Board of Trustees. Carroll strives to obtain/maintain competitiveness with national or local salary markets, maintain a salary system that is financially rewarding and sustainable for the college, as well as maintain cost of living relative to inflation. As such, there may be years where market adjustments (whereby all faculty and staff salaries are increased up to a specified percent of market), across the board salary increments, or a combination thereof may be given.

Staff salary and wage increases normally occur annually beginning with the new fiscal year (July 1) upon adoption of the annual budget by the Board of Trustees.

Also see Position Descriptions Policy, Section 3, Number 5 and Promotions Policy, Section 3, Number 9.

Approved 04/13/10
Effective 05/1/10

Approved by the Board of Trustees – November 2015
V. 2. Overtime/Compensating Time

Exempt personnel are not entitled to pay for hours worked in excess of a 40 hour work week.

Non-exempt personnel are paid overtime for hours worked over forty (40) in any one (1) work week. Time and one-half rates will apply to hours worked in excess of 40 hours in one (1) work week. If the workload is such that a non-exempt employee must work more than an eight (8) hour day, an attempt should be made to shorten subsequent work days in order to avoid more than 40 working hours in the week. The work week for Carroll College is Sunday 12:01 a.m. to Saturday midnight.

For most staff, the normal work week is 37 ½ hours/week. Staff who regularly work 37 ½ hours per week will be paid straight time for hours worked above 37 ½ hours to 40 hours. All hours worked in excess of the normal work week, must be pre-approved by the supervisor and documented on the monthly timesheet.
V. 3. Pay Dates

Full-time staff are paid on the last work day of each month. Although the last work day during the month of December may fall early in the month (due to Christmas break and holidays), pay day will be the last non-weekend and non-holiday calendar day in December. Part-time and temporary staff are paid on the fifth of the month following the month in which work was performed. (If the fifth falls on a Saturday or Sunday, part-time and temporary staff are paid on the Friday prior to the fifth.)
V. 4. Salary Advances

Only in emergency situations, with approval of the employee’s supervisor and the Business Office, will the College issue salary advances.

The amount advanced for early payments, or monies already earned will be after all applicable deductions.

The amount advanced will be deducted from the amount of the next regular pay check.
V. 5. Payroll Deductions/Reductions

Withholdings from an employee’s paycheck, in addition to the deductions required by law, may include:

- Group Medical Insurance*
- Life Insurance**
- Contributions to United Way**
- Contributions to Community Shares**
- Retirement Plan Contributions – TIAA-CREF*
- Supplemental Retirement Account Contributions – TIAA-CREF*
- Tax Sheltered Annuity Contributions – TIAA-CREF* Carroll College Foundation Pledges**
- Eligible dependent care and medical expenses*

*: These items may be withheld from an employee’s paycheck on either a pre-tax or after-tax basis.

**: These items must be withheld from an employee’s paycheck on an after-tax basis. A signed payroll deduction authorization must be on file in the Payroll Office.
V. 6. Flexible Spending Account

All full-time staff are eligible to participate in the Flexible Spending Account Benefits. Regular, benefit-eligible part-time employees are eligible to participate in the Flexible Spending Account. A Flexible Spending Account may be established for payment to an employee, on a pre-tax basis, for out-of-pocket medical and dependent care expenses. The money elected will be paid for eligible expenses and is not subject to federal or state income or social security taxes.

During each pay period, the elected pre-tax amount is withheld from the employee’s pay check. This amount is forwarded to Carroll’s flexible spending account administrator and is made available for reimbursement upon submission of valid claims. Additionally, premiums for medical-related insurance plans sponsored by Carroll College may be included in a Flexible Spending Account.

The plan year for the Flexible Spending Account is February 1 through January 31. Eligible expenses must be “incurred” during the plan year or the employee’s period of participation, whichever is shorter.

The elections, once made, are irrevocable for that plan year. New elections may be made during the open enrollment period which runs from December 1 through January 15 of each year. However, in certain situations, known as changes in family status, may arise during the plan year, which allow the participant to change an election. These situations include:

- Marriage of the enrolled employee.
- Divorce of the enrolled employee.
- Death of a spouse or child of the enrolled employee.
- Birth or adoption of a child. Termination of a spouse’s employment. Employment of the spouse.
- Switching from part-time to full-time employment, or vice versa, by the employee or spouse.

Covered expenses include those defined by federal regulations. Please see the Office of Human Resources for a list of eligible expenses.

A summary plan description of the Flexible Spending Account is provided to all eligible employees. If there should be a conflict between the information contained in this handbook, the summary plan description, and the plan document, the plan document will be controlling.

Modifications approved by Cabinet 12/05/00. Approved by the Board of Trustees 4/27/01.
V. 7. Group Health Insurance

Group health insurance is provided for all full-time employees at Carroll College on an optional basis. Group health insurance is offered to regular, benefit-eligible part-time employees. An employee may elect to participate on an individual two-party, employee and child(ren), or family plan basis. This election must be exercised at the time of employment and coverage becomes effective the 1\textsuperscript{st} of the month following enrollment. If the employee does not enroll upon becoming eligible, the employee may enroll during the open enrollment period held December 15 through January 15 of each year, and coverage becomes effective February 1. The health insurance plan year runs from February 1 through January 31.

Employee enrollment after initial employment, or subsequent enrollment of family members, will be permitted during the open enrollment period or otherwise subject to the terms and conditions specified in the group health agreement and any applicable laws.

The cost of the group health insurance is shared by the employee and the College. The premium for group health insurance for regular, benefit-eligible part-time employees will be pro-rated based on the number of hours the staff member is budgeted to work in a year. The employee portion of the monthly premium may be paid by either a payroll deduction or deduction from the employee’s pay check.

Under federal and state law, an extension of health coverage is available in certain circumstances where coverage under the plan would otherwise end.

Claims for benefits are made directly with the insurance company. Benefits payable under the plan are stated in the policy agreements and endorsements provided by the insurance company through the Office of Human Resources. A copy of the plan and further information is available in Office of Human Resources.

A summary plan description of the group health insurance is provided to all eligible employees. If there should be a conflict between the information contained in this handbook, the summary plan description, and the plan document, the plan document will be controlling.

Modifications approved by Cabinet 12/05/00.
Approved by the Board of Trustees 4/27/01.
V. 8.  Tuition Remission
A regular, full-time employee is immediately eligible to attend, tuition free, up to two classes and up to six credits per term at Carroll College as an auditor or for credit. After three years of continuous, regular, part-time service, a regular, part-time employee will be eligible to attend, tuition free, up to two classes and up to six credits per term at Carroll College as an auditor or for credit. Release time must be arranged and approved through the department Director and approved by the appropriate Vice President. Generally, one class may be taken with pay during regularly-scheduled work hours. Make-up work and scheduling is at the discretion of the supervisor. Application for tuition remission must be submitted and approved prior to each scheduled registration session in which the courses are offered. The approved application form must be presented at the time of registration.

The spouse and child(ren) of a regular, full-time employees may attend classes at Carroll College under a graduated tuition remission benefit relating to the employee’s full-time years of service. In order for the child(ren) to be eligible for the tuition remission benefit, the child(ren) may not hold a baccalaureate degree, and must be under 25 years of age, unmarried and dependent upon the financial support of the full-time staff member. Carroll College uses the IRS definition of ‘dependent’ to determine eligibility. A tax form may be requested in order to verify eligibility.

After completion of one year of full-time employment at Carroll College, the employee’s spouse and child(ren) are entitled to a one-third reduction from the regular tuition. After completion of two consecutive years of full-time employment the reduction increases to two-thirds of the regular tuition. Upon completion of three years of consecutive full-time Carroll College employment and thereafter, as long as the staff member is employed full-time, the benefit is increased to the full amount of regular tuition. After three years of continuous, regular, part-time service, a regular, part-time employee’s dependents will be eligible to participate in the tuition remission program on a pro-rated basis based on the full-time equivalent of the employee’s position.

Fees, books and room and board are not included in this benefit. Dependents must comply with all administrative and academic requirements and established institutional and federal satisfactory academic progress. Short term study abroad trips and semester study abroad trips including exchanges are not eligible for tuition remission grants or exchange grants.

Degree-seeking student deadlines for submission of tuition remission applications to the Office of Human Resources are:

- **May 1** prior to the fall semester of the following academic year;
- **October 1** for the following spring semester;
- **3 weeks prior** to the beginning of the summer session of which the student plans to attend.

Approved by the Board of Trustees – November 2015
The College will continue to give tuition scholarships, as described in this policy to a staff member’s spouse and children if the employee retires and has reached the age of 60 while employed full-time by Carroll College, and has completed 20 years of full-time service.

The College will continue to give tuition remission, as described above, for the spouse and children of a regular, full-time employee who has completed seven (7) years of full-time service and who has either (1) died during the course of his/her employment at Carroll College; or (2) Carroll College determines, based on medical information provided by the employee’s medical provider(s), that the employee is unable to perform the essential functions of his/her current position at Carroll College due to a disability. The College will give 50% tuition remission for the spouse and children of a regular, full-time employee who has completed four (4) years but less than seven (7) years of full-time employment and who Carroll College determines, based on medical information provided by the employee’s medical provider(s), that the employee is unable to perform the essential functions of his/her current position at Carroll College due to a disability.

If the medical information provided by the employee’s medical provider(s) is insufficient, Carroll has the right to ask for a second opinion from a health care professional of Carroll’s choice. Medical information is insufficient if it does not describe the nature, severity, and duration of the employee’s impairment; the activity or activities that the impairment limits; and the extent to which the impairment limits the employee’s ability to perform the activity or activities. Medical information might also be insufficient where the health care provider does not have the expertise to give an opinion about the employee’s medical condition and the limitations imposed by it; other factors indicate that the information provided is not credible or is fraudulent; or the documentation does not provide sufficient information to enable Carroll to determine whether the employee is unable to perform the essential functions of his or her position at Carroll due to a disability.

The above benefits are available as long as the College is able to sustain the cost, but may be modified or withdrawn if the financial situation of the College necessitates such action.

Approved 9/2/11
Effective 10/1/11
Revised 05/14
V. 9. Tuition Exchange

Carroll College participates in the Council of Independent Colleges, Tuition Exchange, Inc. and the Independent Colleges of Montana tuition exchange programs. Tuition exchange is available to dependents of regular, full-time employees. Dependents of regular, benefit-eligible part-time staff may be eligible to participate in the tuition exchange programs on a pro-rated basis based on the full-time equivalent of the employees’ position. Each program has specific eligibility requirements, terms, conditions, and application procedures. Please contact the Office of Human Resources for details on Tuition Exchange programs.

Modifications approved by Cabinet 12/05/00.
Approved by the Board of Trustees 4/27/01.
V. 10. Retirement Plan

Employees are eligible for the College's retirement plan after completion of one year of service. Participation is mandatory after eligible employment of three years. If an employee has a previous TIAA-CREF (or similar) annuity, retirement plan participation can begin immediately. Under the basic College plan, employees must contribute at least 5 percent of gross salary (base contract) to the plan; the College contributes 5 percent of gross salary (base contract), also. All Carroll College and employee contributions are immediately vested. Employee retirement contributions can be made on a pre-tax or after-tax basis. Investment options include common stocks, bonds, mortgages, and money market instruments.

A summary plan description of the retirement plan is provided to all eligible employees. If there should be a conflict between the information contained in this handbook, the summary plan description, and the plan document, the plan document will be controlling.
V. 11. Supplemental Retirement Annuities (SRA)

Carroll College offers a tax-deferred annuity plan through TIAA-CREF the SRA (Supplemental Retirement Annuities) plan. The SRA plan is available to all full-time employees (no age or years of service restriction). The SRA plan is similar to the College's basic retirement plan with the exception that contributions are only made by the employee; the College makes no contribution. For complete details of the plan, see Appendix of this handbook.
V. 12. Group Life Insurance

Carroll College offers a collective life insurance and accidental death and dismemberment policy to full-time employees. Group life insurance is offered to regular, benefit-eligible part-time staff at the same contribution level and benefits as offered to regular, full-time employees. Full-time employees are eligible for the group life insurance on the first of the month following the appointment to full-time employment. The cost of the life and AD&D insurance is shared with the employee and Carroll College. The death benefit provided by the policy is one times the employee’s annual salary. For complete details of the plan, contact the Office of Human Resources.

A summary plan description of the group life insurance is provided to all eligible employees. If there should be a conflict between the information contained in this handbook, the summary plan description, and the plan document, the plan document will be controlling.

Modifications approved by Cabinet 12/05/00.
Approved by the Board of Trustees 4/27/01.
V. 13. Group Total Disability Insurance

Carroll College provides group long-term disability insurance for regular, full-time employees. A full-time employee is eligible after one year of continuous employment unless the employee has had previous comparable group disability coverage within three months of starting full-time employment at Carroll College, in which case the employee is eligible the 1st of the month following full-time employment. The College pays the monthly premium. Coverage becomes effective the 1st of the month following eligibility. A copy of the plan is available in the Office of Human Resources.

Regular, part-time benefit-eligible staff are eligible for group disability benefits at the same contribution level as regular, full-time employees.

A summary plan description of the group total disability insurance is provided to all eligible employees. If there should be a conflict between the information contained in this handbook, the summary plan description, and the plan document, the plan document will be controlling.

Modifications approved by Cabinet 12/5/00.
Approved by the Board of Trustees 4/27/01.
V. 14. Employee Assistance Program

Carroll College offers an Employee Assistance Program (EAP) to all full time employees and their immediate family as a benefit to promote wellness. Whether professional or personal, the EAP offers counseling services for all types of issues including anxiety and stress, depression, alcohol/drug abuse, physical, sexual or emotional abuse, poor communication, financial difficulties, etc. In keeping with ethical and legal guidelines that apply to EAP services, all information about employees or family members is strictly confidential. When an employee or family member seeks help from the EAP, up to four (4) sessions are provided by the EAP counselor, free of charge. These visits are not counted as part of the health insurance benefit. The EAP counselor will work with the employee or family member to assess and resolve problems within four sessions. If this is not possible, the counselor will make a referral to an appropriate professional or program. EAP counselors are licensed mental health professionals who provide assessment and brief therapy to respond to a wide variety of problems. Contact the Office of Human Resources for more details about Carroll’s EAP.

Regular, benefit-eligible part-time employees are eligible for participation in the Employee Assistance Program (EAP).

A summary plan description of the employee assistance program is provided to all eligible employees. If there should be a conflict between the information contained in this handbook, the summary plan description, and the plan document, the plan document will be controlling.

Modifications approved by Cabinet
12/05/00. Approved by the Board of Trustees 4/27/01.
V. 15. Social Security

All employees of Carroll College are covered by the provisions of the Social Security Act. The benefits available under this Act are financed by an employer-employee tax. The employee Social Security tax is deducted from payroll checks and is matched by Carroll College. Information concerning retirement, disability, survivor’s benefits, or other matters of interest may be obtained from the local office of the Social Security Administration or the Department of Health and Human Services.
V. 16. Workers’ Compensation

All Carroll College employees are covered by workers’ compensation insurance for injuries resulting from accidents during the performance of assigned work duties. The Office of Human Resources is to be notified immediately of all accidents and injuries. After assessment of the accident and injury, the Office of Human Resources will complete an Employer’s First Report of Injury and submit it to the workers’ compensation carrier. The injured employee must report on his/her timesheet all dates that the employee received workers’ compensation benefits.
V. 17. Credit Union

Carroll College is a member of the “Trico Educational Family Federal Credit Union.” Application for membership can be made at the office of the credit union.
VI. General Rules and Procedures

VI. 1. Conflict of Interest

An employee shall only engage in outside employment or activities provided (1) the outside employment or outside activity does not interfere with the employee’s full and competent job performance at Carroll College, and (2) the outside employment or outside activity does not require absence during normal working hours.

An employee shall be considered to have a possible conflict of interest if such employee has an existing or potential financial or other personal interest which impairs, or might appear to impair, such a member’s independent, unbiased judgment in his/her performance of duties to Carroll College.

Outside employment may not be conducted on College premises or involve the use of College facilities and services without authorized permission.

If the supervisor feels an employee’s outside employment is violating the above conditions, the supervisor must consult with the employee. If further actions are deemed necessary, the supervisor must consult with the Director of Human Resources and Administrative Services.

For staff involved in research, please refer to the Conflict of Interest policy in the Faculty Handbook.

Revised February, 2011. Effective date: March 1, 2011
VI. 2. Staff Development

Staff development activities are provided to enhance the employee’s professional and personal development. Each year the Staff Advisory Committee is allocated funds to plan and provide general development programs that will serve the staff as a whole. Individual staff development requests, however, should be submitted to the appropriate Vice President or College President for approval. In addition, various departments may provide on-going training opportunities to all employees on specific topics.

Individual staff development requests should be submitted to the appropriate Vice President through the immediate supervisor.

Also see Tuition Remission Policy, Section 5.8 and Development Leave Policy, Section 4.14.
VI. 3. Travel

Travel requests shall be submitted in writing to the employee’s immediate supervisor. Travel must be approved by the President and Vice Presidents, prior to submitting a travel request form to the Business Office.

The College will pay approved transportation costs based on rates set by the public carriers. For in-state travel, the College will pay a mileage rate for use of a private car. For out-of-state travel, the College will also pay a mileage rate, but not in excess of what it would cost to make the same trip at the best rates by a public carrier. The College will pay a per diem allowance for meals and lodging. Meals and lodging will be reimbursed with paid receipts and proper approval. Contact the Business Office for current mileage and travel allowance rates.

Travel request forms can be obtained from the Business Office. Contact the Business Office for deadlines to submit request forms.
VI. 4. Traffic and Parking Regulations

All motor vehicles used on the Carroll College campus must be registered and parked in designated areas.

All Carroll College employees who wish to park on campus, must register motor vehicles at the Business Office on the day employment begins. Registration is not considered complete until the decal is permanently affixed to the inside, lower left-hand corner of the back window of the vehicle. The decal must be attached in a conspicuous place on all vehicles without windows.

Employees will adhere to all Carroll College parking regulations. Failure to adhere to regulations may result in a fine. A copy of the regulations and resulting fines will be made available to the employee when the vehicle is registered.

State laws, city ordinances and College regulations will be enforced on College property. Carroll College assumes no responsibility for any vehicle or its contents while operated or parked on the campus.
VI. 5. Telephone Use

The College telephone system is provided for Carroll business use. Use of the system for personal calls is at the discretion of the department director. Employees will be issued personal identification numbers for the phone system and will be billed monthly. It is the responsibility of the employee and director to monitor personal and business calls and charges. Employees are expected to limit personal use of the system and to compensate the College for any and all charges incurred.
VI.6. Drug and Alcohol Policy

Carroll College prohibits the unauthorized use, possession, manufacture, distribution, dispensation, or sale of controlled substances or alcohol by its employees on Carroll College property, as a part of its activities, or in the performance of an employee’s duties, except as noted below. “Unauthorized” includes without limitation, the manufacture, distribution or sale of alcohol, and possession, use, manufacture, distribution, dispensation or sale of controlled substances, at any time during an employee’s working hours or on College property, except as noted below. Reporting to work under the influence of controlled substances or alcohol is prohibited. “Under the influence” is defined without limitation as being impaired or intoxicated by alcohol or controlled substances, smelling of alcohol or controlled substances, or appearing disheveled or unkempt, slurring one’s speech, being argumentative, or being incapable of performing his/her job satisfactorily, when such conduct is reasonably related to an employee’s use of alcohol or controlled substances. Further, the employee must be able to perform work in a condition that presents a favorable public image and contributes to a climate of safety and well being for the employee, faculty, staff, students, and the public. Moderate use of alcohol at Carroll-approved meetings, or at Carroll-sponsored events or activities is not prohibited by this policy. Moderate use of alcohol during a traditional lunch break in the employee’s working hours and off College property is also not prohibited by this policy. All employees are responsible for their compliance with local, state and federal laws.

Violations of this policy will result in disciplinary action, up to and including termination of employment, or referral for prosecution or other legal consequences. Depending on the circumstances, an employee who violates the provisions of this policy relating to controlled substances may be required to satisfactorily participate in a drug abuse rehabilitation program as an alternative to termination and as a condition for continued employment. Compliance with Carroll College’s Drug and Alcohol policy is a condition of continued employment. It is also a condition of continued employment that any employee convicted of any criminal drug statute based on conduct occurring in the workplace must notify the Office of Human Resources no later than five working days after such conviction. Such notification does not prohibit Carroll College from taking disciplinary action against the employee for violating this policy.

Carroll College will make a good faith effort to comply with the Drug-Free Workplace Act of 1988 by reviewing the policies and procedures every biennium to determine effectiveness and to implement changes to the program as needed. It is Carroll College’s policy to maintain a drug-free workplace.

Counseling, Treatment, and Rehabilitation Services:

The following are drug or alcohol counseling, treatment, and rehabilitation programs that are available to employees:

1. Counseling Services provides both counseling and referral services to staff. The counseling staff will provide information and confidential referral to drug and/or alcohol counseling and rehabilitation programs. Counseling Services are located in the lower level of Guadalupe Hall and a division of Student Life.
2. An Employee Assistance Program (EAP) is also available to benefit-eligible employees through Reliant Behavioral Health (RBH). The EAP is a free, short-term counseling and referral service that can be accessed by calling 1-8660750-1327.

Community services include the following:

1. Alcoholics Anonymous
   110 E. Lyndale Ave.
   Helena, MT
   406-443-0438

2. Friendship Center
   1503 Gallatin
   Helena, MT
   406-442-6800

3. Counseling Consortium
   555 Fuller Ave.
   Helena, MT
   406-442-3045

4. Boyd Andrew Community Services
   111 N. Last Chance Gulch
   Helena, MT
   406-443-2343

5. Rocky Mountain Treatment Center
   920 4th Ave. N.
   Great Falls, MT
   406-727-8832

6. Benefis Healthcare
   1101 26th St. S.
   Great Falls, MT
   406-455-4357

7. Rimrock Foundation
   1231 N. 29th St.
   Billings, MT
   406-248-3175

8. Al Anon
   110 E. Lyndale Ave.
   Helena, MT
   406-0438

All employees will receive a copy of this policy when they begin employment.

Approved by the Board of Trustees – November 2015
Other related policies: Family Medical Leave Policy; Employee Assistance Program.

Approved 4/6/10
Effective 5/1/10
VI. 7. Smoke-Free and Tobacco-Free Campus

The use of Tobacco and tobacco related products including but not limited to lighted or unlighted cigarettes, electronic cigarette, cigar, pipe, bidi, clove cigarette, smokeless or spit tobacco, dissolvable tobacco, hookah shisha, snuff or snus, kretes, and cigarillos, by students, faculty, staff and visitors is prohibited in or on property owned, leased or used for specific events by the college. Ceremonial use of tobacco in or on property owned, leased or used for specific events by Carroll College must be approved prior to the event by the appropriate college Vice President.

Approved by Cabinet-07/01/15
Effective date-07/01/16
VI. 8. Requests for Information from the Media

To assure consistent and accurate external communications, all calls from representatives of the media must be referred to the Director of Marketing and Communications.
VI. 9. Departmental Budget

Each department receives an allocation of funds in the budget to purchase supplies and services for the department. Funds are budgeted on a fiscal year basis starting on July 1 and ending on June 30. Unused unrestricted funds are not carried over to the succeeding year. Each departmental budget is divided into line items and expenditures are not permitted in excess of the amount budgeted for each line item. All purchases must be approved by the department head who is held responsible for the department budget.

Department heads may contact the Business Office for details about processes to expend budget funds. Please contact the Office of the Vice President for Finance and Administration for information regarding details of the departmental budget and for information regarding transferring of budget funds.
VI. 10. Check Cashing

The Business Office shall offer check cashing as a service for employees.

Personal checks limited to $100.00 may be cashed between 9:00 am and 4:00 pm, Monday through Friday.

If a check is returned by the bank, the employee will be charged a fee and will have the privilege of check cashing revoked until the fine is paid and the College is reimbursed for the check. If two or more checks are returned to the College, the employee will lose check cashing privileges.

College-issued checks may not be cashed at the College.
VI. 11. Acceptable Use Policy (AUP) for Computing & Network Resources

Computing and networking resources are provided to Carroll College students, faculty, and staff to further the educational goals of the college, increase productivity, and ensure better communication regarding college matters. These resources are to be used in a manner consistent with these goals. Each Carroll computing resource user has responsibilities to all other computing resource users.

These responsibilities are:

- to respect and value the right of privacy for all.
- to recognize and respect the diversity of the population and opinions in the community. to behave ethically.
- to respect computer resources.

Computing resources are limited! How each individual uses them may impact the work of other members of the community and beyond, as our campus network is connected to other networks worldwide. It is important that all users be aware of their individual obligations and of what constitutes proper use and behavior.

The Corette Library has a specific library Acceptable Use Policy that applies to computer resources in the library in addition to this AUP. The following information outlines the Use, Guidelines, Regulations, and Violation Policy of Carroll's Acceptable Use Policy.

Use of Resources | Use Guidelines | Regulations / Prohibitions | Policy Violation

Use of Computing Resources

Carroll's computing resources are to be used only for legitimate and substantial educational and business purposes. The use of the Carroll College academic computing facilities is available to all registered students, faculty, and staff in support of the regular curricular function of the College. Users are expected to use this privilege in a manner consistent with existing college policies and as specifically addressed in this Acceptable Use Policy. All campus computing systems are owned by the college and the type of activities that take place on them are determined by the administration of the college.

Any Carroll College full-time or part-time student, faculty or staff may use Carroll's computer systems for any academic purpose. Personal use is also permitted. College business and academic use take priority over personal use. ISM will notify users if a need exists to limit personal use of resources to non-peak periods. No special permission is needed, nor are there any charges for use of computer time in the labs. However, no employee or student may use Carroll computers and network resources for profit-making ventures or on behalf of external organizations or persons unless such use is directly related to Carroll courses or to faculty research and professional development. Use of the AS/400 system is restricted to faculty and staff use only and with permission from the Director of Information Systems.

Campus and residential computer resources exist to fulfill the educational mission of the College. Information Systems Management reserves the right to monitor network account

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activity to maintain system security, or to investigate reasonable suspicion of policy violations. **Users should not presume the privacy of electronic communications.**

Specific guidelines include, but are not limited to:

1. Use of the Carroll College computer and network resources is a privilege, not a right. This privilege is embodied in the responsible use of resources, including network bandwidth, ResNet access, CPU time, and disk space.

2. Assigned class work has priority over personal use of lab facilities. Users doing recreational computing must relinquish their station if requested to do so by the lab monitors or Residence Life staff.

3. Accounts must be used ONLY by the assigned user. Computer accounts must be kept secure. **USERS ARE RESPONSIBLE FOR MATERIAL ORIGATING FROM THEIR ACCOUNT.**

4. Users of the Residential Network (ResNet) are ultimately responsible for ALL material originating from their user account, personal computer, and/or dorm room network port. Students who take part in ResNet are encouraged to limit access to the computer resources in their room, and closely monitor all activity on their personal computer.

5. The use of the computer equipment, network account, or software of another member of the community without express permission is trespassing and an invasion of privacy. Other violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and software copyright violations, may be grounds for sanctions against members of the academic community.

6. Users must abstain from actions wasteful of computer resources that alter the configurations of college equipment, destroy the integrity of computer-based information, or that compromise the privacy of users. **Specific prohibitions include:**
   - obscene or threatening material and wide-scale distribution of messages to inappropriate forums and mailing lists.
   - Manuals, disks, and supplies must not be removed from the labs.
   - College-owned computing facilities may not be used for profit-making purposes.
   - Carroll College is not responsible for any fines or legal fees that may result from use or misuse of the Information Systems Management computing systems.

**Regulations / Prohibitions**

**Accessing Computer System or Files**

Computing resource users may not attempt to gain access to computer systems (on or off campus), files, messages, communications, or documents of others unless they have a legitimate reason to do so. Accessing systems, files, messages, communications, or documents of others without a legitimate reason is inappropriate and is prohibited.

Computing resource users may not deliberately disrupt the performance of a computer system or

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a network, or attempt to "break" system security. This includes reconfiguring a computer system to make it unusable for others, or attempting to destroy or alter data or programs belonging to other users.

**Specific prohibitions include:**

1. Forgery of electronic mail messages;
2. Reading, deleting, copying, or modifying the electronic files of other users without their permission;
3. Sending harassing, obscene and/or other threatening electronic mail to another user (see #8);
4. Sending any type of chain letter or an unsolicited, “for-profit” message;
5. Sending inappropriate or unnecessary email on a wide-scale basis. This includes all campus email distribution to the All Employees and All Students routing lists, as well as selecting all employees or students in the campus e-mail address book.
6. Intentional propagation of computer viruses, worms or the like;
7. Computing resource users should note we are all governed by federal and state laws as well as College policies. The copyright laws of the United States and most other nations apply to information in computer files. You may not copy or redistribute software or other information that is copyrighted without permission from the copyright owner.
8. System users may not use Carroll’s computer and networked resources in any way that is intended to be insulting, offensive to other persons, or that reasonably could have been foreseen to have the effect of harassing or offending. Examples of forbidden transmissions include sexually-explicit messages, cartoons, or jokes; unwelcome propositions or love letters; ethnic or racial slurs; or any other message that can be construed to be harassment or disparagement of others based on their sex, race, sexual orientation, age, national origin, religious beliefs, disability, marital status or other personal characteristics protected by law.
9. The use of College computing resources for commercial purposes without prior approval is prohibited. Request for approval should be directed to Information Systems Management Director, Patty White, 447-4502 or pwhite@carroll.edu.

**Monitoring**

To protect the interests of students, employees and the College, Carroll reserves the right to monitor, retrieve, and/or store any material in the computer and networked resource systems of the College. Employees and students should assume that the contents of any message, document, or other matter sent through any Carroll system may be seen by Carroll management and others with a legitimate need to know. Carroll reserves the right to access and disclose, for legitimate business, educational and/or legal reasons, any message, document, or other matter sent through the Carroll system.

**Policy Violation**

Violation of the acceptable use policy may result in disciplinary action, as appropriate, including the immediate suspension of computing privileges, with referral to appropriate college or criminal authorities for consideration of other penalties.

Approved by the Board of Trustees – November 2015
Incidents involving students will be documented in an incident report and forwarded to the student discipline process. Students will be notified if they have violated this policy by ISM. The Director of ISM, depending upon the severity of the violation, may revoke computer services. This decision may be appealed to the Vice President of Student Affairs.

Incidents involving college employees will be forwarded to the appropriate Vice President for disciplinary action. These policies are intended to work in conjunction with existing policies within the Carroll College Student Guide, the Student Handbook, the Carroll College Catalogue, the Staff Handbook, and the Faculty Handbook that also can be applied toward enforcement of responsible computing resources use.
VI. 12. Inter-campus mail

Campus mail services are provided to Carroll College students, faculty, and staff to further the educational goals of the college, increase productivity, and ensure better communication regarding college matters. These resources are to be used in a manner consistent with these goals. As such, Carroll's campus mail services are to be used primarily for legitimate and substantial educational and administrative business purposes.

The use of Carroll College mail services are available to all current students, faculty, and staff. Faculty, staff and students are expected to use these privileges in a manner consistent with all applicable college policies. For example, campus mail may not be used to send sexually-explicit messages, cartoons, or jokes; ethnic or racial slurs; threatening or defamatory messages; or messages that harass or discriminate on the basis of sex, race, creed, color, national origin, religion, age, marital status, gender identity, sexual orientation, or physical or mental disability.

Personal use of employee lists and routing personal mail through Carroll mail services is not permitted. No employee or student may use Carroll campus mail for profit-making ventures or on behalf of external organizations.

Carroll mail services processes mail through the United States Postal Service, UPS and Fed Ex provided that the mail/package is appropriately addressed, stamped, packaged, and sealed. College business and academic use takes priority over personal use. Carroll administration reserves the right to monitor inter-campus mail activity to maintain mail integrity or to investigate reasonable suspicion of policy violations. Mail addressed to Carroll College or with Carroll’s street address sent through the campus mail system should be opened and read only by the person to whom it is addressed, except when there is a business need for another Carroll employee to open or read the mail. Examples of circumstances in which such a business need exists include the following:

1. The recipient is no longer employed at Carroll or is unexpectedly absent from work;
2. The recipient has authorized another employee to open his or her mail;
3. No other means can be used to determine the recipient;
4. The material is reasonably believed to be in violation of the Campus Mail Policy or other Carroll policy, as determined by the President in consultation with legal counsel;
5. The President determines there is a business need to open the mail after consultation with legal counsel.

Users should not presume the privacy of inter-campus mail communications.

Revised November, 2009. Effective Date, June 1, 2010

Approved by the Board of Trustees – November 2015
VII. Performance Review

VII. 1. Purpose and Procedure for Performance Development Review

The performance appraisal process at Carroll College utilizes the Annual Performance Development Review form, which is completed annually by the employee and supervisor. The Performance Reviews are submitted to the Office of Human Resources by June 30 of each year. Employees and supervisors are encouraged to contact the Office of Human Resources with any questions regarding the Performance Development Review process.

The Performance Development Review has several sections to complete. Below is a guide for successful completion of the Performance Development Review.

Carroll College’s Vision Statement

The Carroll College Mission Statement defines our identity (see Mission Statement, page ___). The Vision Statement indicates how we accomplish the Mission of the College. The supervisor and employee should discuss the Vision Statement and Carroll goals, listed below, then indicate how each employee seeks to and plays a role in accomplishing the Mission through Carroll’s vision.

Recognizing the Catholic Identity of Carroll as our central focus, we work to achieve three other key goals: enhance academic quality, improve fiscal strength and heighten the quality of campus life.

Therefore, the Carroll College community seeks to:

Manifest Carroll’s Catholic Identity by:

- Encouraging reflection on and articulation of the Catholic intellectual and social tradition. Enhancing the opportunities for worship, prayer & reflection on campus.
- Continuing to be an instrument of service to Carroll, Helena, and beyond.

Enhance Academic Quality by:

- Continuing to develop and support quality undergraduate programs.
- Continuing to develop and maintain ancillary programs that promote academic excellence. Continuing to hire and support an excellent faculty and staff.

Improve Fiscal Strength by:

- Providing an appropriate diversity of students through improved enrollment management, while retaining and improving their quality and quantity.
- Maximizing the use of available resources and explore alternate revenue sources. Continuing growth of the Endowment Fund.

Heighten the Quality of Campus Life:

- Creating trust and openness by example in support of Carroll's Mission Statement.
- Developing excellent residential, recreational and support programs which foster a sense of community. Providing quality academic, residential, social, and working facilities.

Review of Previous Year

To assess past progress, current status, and future work, progress toward meeting previous goals will be discussed. The supervisor and employee will review each of the goals previously set and discuss the progress toward each goal, if/how priorities have changed and add undocumented long and short-term goals that have been accomplished. Comments documenting further progress needed or the satisfaction of the completed goals is noted here.

Approved by the Board of Trustees – November 2015
Discuss and comment on professional growth the employee has achieved during the previous year: To assess the accomplishments and successes the employee has achieved, the supervisor and employee discuss the progress toward achieving each established goal. In addition, the employee and supervisor discuss the challenges the employee has overcome and the challenges that currently exist and professional growth needed. Discuss accomplishments the employee has made not only toward achieving goals, but also those accomplishments outside the realm of specific goals.

**Discussion of Vision Statement**
Using the Carroll College Vision Statement, discuss how the employee's goals and achievements contribute to Carroll's Vision. It is important that the employee realizes his/her contribution to a specific Carroll goal and the significance of this contribution is stressed.

**Review of Position Description**
Review and discuss the position description. If changes are made, attach a copy of the revised job description to the Performance Development form. Note discussion on the performance development form. In some cases, the employee and supervisor may wish to explore new responsibilities not reflected on the position description. For development purposes, and necessity to realize the College vision, exploring new responsibilities is encouraged.

**Establish Goals for Coming Year**
The employee and supervisor discuss and define goals for the upcoming year. The number of goals should be kept to a manageable, attainable level (employee and supervisor should arrive at a consensus) and be consistent with the job description and vision/mission of the College. For most effective results, goals must relate to what the employee and supervisor mutually wish to accomplish. The employee must be invested in goals and have a major role in the goal setting process. The supervisor's role is to provide direction, guidance and feedback.

After the supervisor and employee have mutually agreed upon goals and objectives, discussion may include timelines to achieve goals, measurements used in determining goal achievement, and resources necessary in order for the employee to be successful in achieving goals.

Definitions:
- **Goals** identify what, specifically, is to be accomplished; goals must be defined in specific terms and must be measurable; they must be feasible and realistic. Example: To become more skilled at using the Internet.
- **Objectives** specify measurable means of reaching established goals. Example: To attend an Internet course and successfully complete (score of 70% or better) all course assignments.

**Supervisor's Overall Evaluation**
Please note supervisor's overall comments regarding employee performance and supervisor expectations.

**Employee/Supervisor Comments:** This space is provided for general comments by both the supervisor and employee.

**Employee/Supervisor Signatures:** Signature lines are provided for the employee and supervisor to sign the Performance Development Review. If the supervisor or employee disagree with statements made in the Review, he/she may comment in the provided "Comments" section, or attach a document.

Approved by the Board of Trustees – November 2015
VII. Performance Development Review Form

ANNUAL PERFORMANCE DEVELOPMENT REVIEW

Review of Previous Year
Discuss and comment on progress toward previous goal(s):

Discuss and comment on professional growth the employee has achieved during previous year (include discussion on accomplishments the employee has made whether or not directly related to goals previously set):

Discussion of Vision Statement
How did the employee's goals and achievements contribute to Carroll’s Vision? Review and discuss.

Review of Position Description
Review and discuss position description. Attach updated position description if revised. Make general comments regarding discussion of position description:

Establish Goals for Coming Year
Discuss and establish goals for coming year. Where applicable, include time lines, measurements, objectives, resources and support needed in reaching goals.

Supervisor's Overall Evaluation

Employee's Comments

Supervisor's Comments

Employee's Signature_________________________Date
Supervisor's Signature_________________________Date
Vice President's Signature_________________________ Date

Approved by the Board of Trustees – November 2015
VIII. Separation from Employment

VIII. 1. Resignation
When a Director or Vice President wishes to resign, it is requested that he/she provide a minimum of one month written notice. All other staff are requested to provide a minimum 2 weeks written notice. The written notice must be provided to the immediate supervisor with a copy to the Office of Human Resources. When appropriate, a copy should be provided to the Director/Vice President of the department.

Employees will be paid for all service through the date of termination plus accrued, unused vacation.

If it is determined by the appropriate Vice President, in consultation with the President and the Director of Human Resources and Administrative Services, that it is in the best interest of the College and the individual to accept the resignation and terminate services prior to the effective date of the resignation, the employee may be paid through the date contained in the original notice of resignation. Payment should not exceed one month for Directors and Vice Presidents and two weeks for other staff.

When an employee resigns, the employee’s final paycheck will be paid on the next regularly scheduled pay day for which the employee separated, or 15 calendar days, whichever occurs first.
VIII. 2. Retirement

An employee who is planning to retire is encouraged to work with his/her supervisor in order to establish the retirement date and plan turnover training. The Office of Human Resources will assist in determining annuity benefits with TIAA-CREF; Refer to Appendix for TIAA-CREF Summary Plan Description. Gifts may be purchased through and arrangements for retirement parties may be made by the individual department and the Office of the President. The party and gift expenses fall within budget allocations for the appropriate budgets for the fiscal year. A retiree will be paid for any accrued, unused vacation at the time of retirement.

A voluntary early retirement option is offered to employees who have reached the age of 60 while employed full-time by Carroll College and who have completed 20 years of full-time service. See the Early Retiree Health Insurance Policy, Section 8, Number 6.

Additionally, an employee who is currently a Carroll College staff member and who has provided at least 20 years of full-time service to Carroll may begin phased retirement as of July 1 of the year after he/she becomes eligible for Social Security benefits. See the Voluntary Phased Retirement Policy, Section 8, Number 5.
VIII. 3. Dismissal/Termination

Termination for cause – Other than through a layoff (see Reduction-in-Force/Layoff Policy, non-probationary employees may be terminated only for good cause as defined in Montana’s Wrongful Discharge from Employment Act (see Discipline Policy, Section 3, Number 18). The employee will be paid in the final paycheck for any accrued, unused vacation time. The final paycheck will be paid on the next regularly scheduled pay date for the period in which the separation occurred, or 15 calendar days, whichever occurs first. All college property must be returned to the college upon termination and an Exit Interview may be conducted (see Exit Interview Policy, Section 8, Number 8).
VIII. 4. Effective Date of Termination

The effective date of termination, whether voluntary or involuntary, is the last day worked and will not be extended to include vacation and/or paid holidays.
VIII. 5. VOLUNTARY PHASED RETIREMENT

5.1 ELIGIBILITY: Any lay employee who is currently a member of the Carroll College faculty or staff and who has provided at least twenty (20) years of full-time service to Carroll may begin phased retirement as of July 1 of the academic year after he/she becomes eligible for Social Security benefits (currently 62). Election of phased retirement is made by signing the Carroll College Voluntary Phased Retirement Policy Agreement by November 1 of the year prior to which phased retirement is to begin.

5.2 APPLICATION: To apply, a letter requesting voluntary phased retirement must be submitted to the employee's supervisor or department head prior to March 15 of the year in which the phased retirement is to begin. The college's decision to approve, conditionally approve, or disapprove an application for phased retirement is based upon, among other factors, the best interest of the college.

5.3. PHASED RETIREMENT PAYMENTS: Phased retirement payments will be based on the employee's base full-time salary (hereinafter referred to as Base Year Salary) for the year preceding retirement. Full-time is based on a full teaching load (12 credits per semester) for faculty or 37.5 hours per week for staff. Phased retirement payments will be paid monthly on the last day of the month to the retiree commencing July 1 of the year of retirement, for a period not to exceed three years or until the retiree reaches age 65, whichever is earlier.

First Year: Payment for the first year of retirement will be:
   a. Seventy percent (70%) of Base Year Salary plus the increase given to faculty and staff in the same rank or status during the retiree’s first year of retirement.
   b. Fifty percent (50%) reduction in the full-time work load. For faculty, the normal teaching load would be one course each semester. Teaching assignments may be coordinated to be accomplished in the same semester, thus freeing one semester.

Second Year: Payment for the second year will be:
   a. Fifty percent (50%) of Base Year Salary adjusted by the percentage increase for the first year of retirement above, plus the increase given to continuing faculty and staff in the same rank or status during the retiree's second year of retirement.
   b. Seventy-five percent (75%) reduction in work load. For faculty, the normal teaching load would be one course each semester. Teaching assignments may be coordinated to be accomplished in the same semester, thus freeing one semester.

Third Year: Payment for the third year will be:
   a. Twenty percent (20%) of Base Year Salary adjusted by the percentage increase for the first and second years of retirement above, plus the increase given to continuing faculty and staff in the same rank or status during the retiree's third year of retirement.
   b. No work requirements.
5.4 PHASED RETIREMENT AFTER AGE 62: Employees may begin phased retirement in either of the first two years after turning 62. Should an employee enter the phased retirement program at age 63, payment for the first year of retirement will be fifty percent (50%) of the base year with a seventy-five percent (75%) reduction in work load. Upon reaching age 65, the status of all phased retirees will be the same as that of regular retirees.

5.5 PAYMENTS IN THE EVENT OF DEATH: If an early retiree dies prior to age 65 and prior to receiving benefits provided in the Voluntary Phased Retirement Policy, the retiree's designated beneficiary shall receive salary payments for the month of death and for the two succeeding months.

5.6 BENEFITS: RETIREMENT PLAN: The College portion of contributions to TIAA-CREF or other College group retirement programs in effect will continue to be paid by the College during the phased retirement period, or until death of the retiree, or until the retiree reaches age 65, whichever occurs first. HEALTH INSURANCE: For a period of three years, or until the retiree reaches the age of 65, whichever is earlier, the retiree may elect to participate in the Carroll College Group Health Insurance Plan on the same basis as if the retiree was a full-time faculty or staff member. LIFE & DISABILITY INSURANCE: For the first two years of phased retirement, retirees will continue to be covered by the Carroll College Life and Disability Insurance Plans on the same basis as if the retiree was a full-time faculty or staff member. Currently, life and disability insurance coverage can be provided only to employees who are actively working; therefore, phased retirees are not covered during the last phase of the program.

5.7 OTHER FRINGE BENEFITS: Phased retirees shall continue to receive the following benefits during their designated phased retirement period:

a. Bookstore: Use of the College Bookstore will be continued with the same discount privilege as other current employees.

b. Tuition Remission: Tuition discount policies will be extended to phased retirees and applicable dependents on the same basis as those in effect for full-time employees.

c. Events Passes: Event passes and use of the P.E. Building continue on the same basis for phased retirees as offered to full-time employees.

5.8 EMPLOYMENT WITH CARROLL COLLEGE: During the period of phased retirement, the retiree may contribute services to the College upon such terms and conditions mutually agreeable to the College and the retiree. The phased retiree is not eligible for full-time employment at Carroll College after the phased retirement period.
5.9 ACCEPTANCE OF EMPLOYMENT AT OTHER EDUCATIONAL INSTITUTIONS: In the event a phased retiree accepts a position at another educational institution, the Carroll College Voluntary Phased Retirement Policy Agreement between the retiree and Carroll will terminate as of the date the retiree accepted such other educational employment, and all benefits under this agreement will cease as of said date.

5.10 ELECTIONS OF PHASED RETIREMENT IRREVOCABLE: The election to accept phased retirement is irrevocable and no changes will be made to the Carroll College Voluntary Phased Retirement Policy Agreement that the retiree signs with the College.

5.11 MODIFICATION OF CARROLL COLLEGE VOLUNTARY PHASED RETIREMENT POLICY: The Board of Trustees of Carroll College reserves the right to discontinue or modify the Carroll College Voluntary Phased Retirement Policy at any time. However any modification of said policy by the Board shall not affect any retirees who has signed a retirement agreement prior to the effective date of such modification as long as the college continues in operation. Further, every effort will be made to give at lease a two years notice prior to discontinuing the Voluntary Phased Retirement Policy.

Approved by the Board of Trustees, Helena, MT, 2/28/92.
VIII. 6. Early Retiree - Health Insurance

A voluntary early retirement option is offered to employees who
a) have reached the age of 60 while employed full-time by Carroll College, and
b) have completed 20 years of full-time service.

Eligible employees will be able to continue their current health insurance coverage (single, two-party, etc.) under Carroll College’s group plan until the employee reaches the age of 65 or becomes Medicare or Medicaid eligible.

Carroll College will continue to pay the same contribution toward the health insurance premium as provided to other employees. The early retiree will be responsible for paying his/her portion of the premium. The premium is due to the Business Office by the 15th of each month to assure coverage for the following month. The premium will be considered past-due if not paid after 60 days from the 15th. If past-due, the group health insurance will be cancelled, however COBRA may apply. Contact the Office of Human Resources for COBRA details.
VIII. 7. Reduction in Force/Layoff

When necessary to achieve a reduction in force, the College may terminate any staff employee due to an organizational change, diminished workload, lack of funds, or other exigency. College shall determine which services will be eliminated, reduced, or achieved in another form. The employee shall be given at least two weeks written notice of the reduction. At the College's discretion, employees may be given two weeks pay in lieu of the two week notice.

The College shall not subject regular staff employees to a reduction in force while there are temporary or probationary employees engaged in the same work, serving in the same work unit.

The College shall conduct reductions in force in a non-discriminatory manner (see "Equal Employment Opportunity" policy) and shall not use such actions as a substitute for disciplinary measures.

Based upon departmental need and work to be performed, the department head shall recommend to the appropriate Vice President which employees may be subject to a reduction in force. In determining which employees shall be terminated, the department shall consider the following:

A. An analysis of the acquired knowledge, demonstrated skills, and versatility of its employees compared to the work to be done and the available funding. Employees lacking the necessary skills and versatility should be considered for reduction.

B. An analysis of the level of demonstrated work performance. Employees having consistently low level of performance, as documented in performance reviews or other formal documentation about the employee, should be considered for reduction.

C. A review of the length of service of its employees. Employees with the fewest years of service should be considered for reduction.

D. An analysis of the extent of required training needed to train a reassigned employee to full productivity in a different position. Employees requiring substantial retraining should be considered for reduction.

Each department shall submit written documentation of the required analysis (A - D above) to the Office of Human Resources for review prior to taking a reduction in force action. The final decision about employees to be terminated as a result a reduction in force will be made by the President in consultation with the appropriate Vice President(s) and certain Board of Trustees members, when deemed appropriate.

Rehiring of employees terminated as a result of a reduction in force shall be in the reverse order of layoff when a similar job becomes available in their former department within two years from the date of termination.

Approved by the Board of Trustees – November 2015
Employees terminated as a result of a reduction in force and rehired within two years shall be credited with:

A. Previous service for the purpose of determining annual leave accrual rates. B. Sick leave hours accumulated prior to the reduction.

Employees terminated as a result of a reduction in force shall, for two years following the reduction, be provided the following services:

A. To the extent possible, the College will assist terminated employees in searching for other employment.

B. To assist in retraining efforts, employees terminated due to a reduction in force may continue to utilize the Carroll College employee tuition remission benefit. This benefit, however, is not extended to spouse or dependents of an employee terminated as a result of a reduction in force.

When an employee is laid off, the final paycheck will be paid on the next regularly scheduled pay date for the period in which the separation occurs, or within 15 calendar days, whichever occurs first.
VIII. 8. Exit Interview

A regular (not temporary) staff employee leaving the employment of Carroll College is extended the courtesy of a final interview with the Office of Human Resources. The exit interview, conducted by the Director of Human Resources, is to be held on or as close as possible to the employee’s final day of employment. The purpose of the interview is to discuss working conditions, compensation issues, and to provide comments and suggestions about how to make Carroll College a better place to work. In addition, the Director of Human Resources will advise the exiting employee of matters such as final pay, benefits/insurance issues and obtain the employee’s Carroll credit card, keys, and I.D. card, if appropriate.

Additionally, signatures must be obtained from the departments listed below in order to complete the exiting process:

**Facilities/Department**

Any College keys must be returned to Facilities Management or the department supervisor. This signature verifies that no keys remain checked out under the employee’s name.

**Business Office: O’Connell Hall**

This signature verifies that any outstanding personal charges have been paid, all outstanding travel expense processing has been completed, and all traffic fines have been paid. It also verifies that arrangements have been made regarding retirement contributions, the payout of annual leave, and the distribution of the final paycheck. This signature will also confirm that a forwarding address has been left for W-2's, and that arrangements have been made for the closure of the Flexible Spending Plan, if applicable.

**Human Resources: O’Connell Hall**

This signature verifies that the employee has been advised of the option to continue health insurance coverage through COBRA Plan, and has completed an exit interview.

**Information Technology: O’Connell Hall**

This signature verifies that the employee has contacted ISM and that passwords and security codes for the phone system, computer network, e-mail, etc. have been inactivated.

This signature verifies that the employee has notified telecommunications of the date of the last day, that the employee’s phone pin number will be disconnected that date and the employee has been provided his/her outstanding phone bill.

**Department**

This signature verifies that all required signatures have been obtained, that the final timecard has been submitted to payroll (if applicable), and that this checklist will be submitted to Human Resources. The department should also collect the employee I.D. Card and any College credit cards.

Other items for employees leaving Carroll to consider:

- Library books returned
- P.E. locker emptied

Approved by the Board of Trustees – November 2015
VIII. 9. Death
Departments are responsible for notifying the Director of Human Resources of the death of a current employee. The Payroll Accountant will ensure that the estate/beneficiaries of the employee receive the final paycheck which will include any accrued, unused vacation, where applicable. In the event of a death of a full-time employee, the Director of Human Resources will provide assistance to the primary beneficiaries to complete the application for the Carroll College life insurance benefits.
IX. Use of College Facilities and Services

IX.1. Corette Library

Employees and their immediate families are encouraged to use the Corette Library during applicable open hours. All employees must have a photo identification card issued by the Office of Student Life. This ID will be barcoded for use with the library’s circulation system. The ID must be presented each time an employee checks out library materials.

Equipment may be checked out and used for College activities. The equipment is to be used in the library; however, some equipment may be checked out of the building. Reservations for equipment must be made with the Circulation Supervisor.

Reservations of library conference rooms must be made in advance with the Circulation Supervisor.

The hours of the Corette Library and rules are published and available through the Director of the Library. Employees and their families must abide by all regulations pertaining to the use of the Corette Library.

Approved by the Board of Trustees – November 2015
IX. 2. Saints’ Shoppe
The Saints’ Shoppe Bookstore offers gift items, convenience foods, magazines, religious articles, textbooks and school and office supplies. Employees receive a ten percent discount on all items except textbooks and food. Items necessary for the classroom or office may be charged to the employee’s department. Employees are encouraged to purchase office supplies from the Saints’ Shoppe.
IX. 3. Dining Services
Luncheon service is available to staff in the Campus Center dining room, private dining room, or the snack bar at a reduced rate. Arrangements for approved special group occasions may be made through the Campus Events Coordinator and the Food Service Manager. Breakfast and dinner service is available to staff at regular rates. Breakfast and dinner service in the private dining room is reserved for religious groups from the community.
4. Campus Mail Center

The College maintains a central mail room for all College mail in St. Charles Hall, first floor. Business hours are 8:30—4:00. Pick ups and deliveries are made each business day at individual College departments. Departmental bulk mailings may be coordinated and administered through the mail room. Student mail is processed and delivered at the mail room.

Staff may utilize the mail room for personal mail, including purchasing stamps and mailing parcels.
IX. 5. Fitness Center and Physical Education Center

Full-time employees and their immediate families are encouraged to use the Carroll College Fitness Center and Physical Education Center during open hours. The Physical Education Center offers an olympic-size swimming pool, weight room, cardio room, locker rooms, racquetball court, and basketball court.

Full-time employees and their families may access to the Fitness Center and Physical Education facilities by presenting a Carroll ID (obtained in the Office of Student Life).

With the pass, full-time employees and their immediate families are also invited to attend all regular season athletic events for no charge.

The hours of the Center operations and rules are published and available through the Physical Education Center staff.

Employees and their families must abide by all regulations pertaining to the use of the Physical Education Center.
IX. 6. Health and Wellness Center

The Carroll College Health Center, which includes health and counseling services, is located in the lower level of Guadalupe Hall.

The mission of the Health and Wellness Center is to provide educational and direct services to support the overall health wellness of the students primarily, then to faculty and staff of Carroll.

The Health and Wellness Center provides immunizations, flu shots and regular clinic hours. Individual and group counseling are provided. Workshops and small group presentations are also provided as part of the Health and Wellness program.