Midland College

Employee Handbook

If you have difficulty accessing the information in this document because of a disability, please e-mail nmorgan@midland.edu.
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Employee Handbook Receipt

NAME: ___________________________  EMPLOYEE ID: ___________________________

LAST, FIRST, MI

TITLE: ___________________________  DEPARTMENT: ___________________________

I hereby acknowledge receipt of a copy of the Midland College Employee Handbook. I agree to read the handbook and abide by the standards, policies, administrative regulations and procedures defined or referenced in this document.

Employees have the option of receiving the handbook in electronic format or hard copy. The electronic copy of the Employee Handbook may be accessed on the College’s website www.midland.edu/audiences/media/documents/employee-handbook.pdf.

Please indicate your choice by checking the appropriate box below:

☐ I choose to receive the employee handbook in electronic format and accept responsibility for accessing it according to the instructions provided.

☐ I choose to receive a hard copy of the employee handbook.

The information in this handbook is subject to change. I understand that changes in College policies may supersede, modify, or render obsolete the information summarized in this document. As the College provides updated policy information, I accept responsibility for reading and abiding by the changes. I also understand that the complete text of College policies may be accessed on the College’s website https://pol.tasb.org/Home/Index/885. I understand that the online version of the Employee Handbook and is the most current and authoritative.

I understand that no modifications to contractual relationships or alterations of at-will employment relationships are intended by this handbook.

I understand that I have an obligation to inform my supervisor and the Human Resources/Payroll department of any changes in personal information such as phone number, address, etc. I also accept responsibility for contacting my supervisor or the Human Resources/Payroll department if I have questions or concerns or need further explanation.

_________________________________________  ___________________________
Signature                                           Date

_________________________________________
Printed Name

Please sign and date this receipt and forward it to the Human Resources/Payroll department.
Introduction

The purpose of this handbook is to provide information that will help with questions and pave the way for a successful year. Not all College policies and procedures are included. Those that are, have been summarized. Suggestions for additions and improvements to this handbook are welcome and may be sent to the Director of Human Resources/Payroll.

This handbook is neither a contract nor a substitute for the official College policy manual. Nor is it intended to alter the at-will status of noncontract employees in any way. Rather, it is a guide to and a brief explanation of College policies and procedures related to employment. These policies and procedures can change at any time; these changes shall supersede any handbook provisions that are not compatible with the change. For more information, employees may refer to the policy codes that are associated with handbook topics, confer with their supervisor, or call the appropriate office. College policies can be accessed online at https://pol.tasb.org/Home/Index/885.
College Information

Description of the College

Midland College opened as a branch campus of the Permian Junior College System in September 1969. In November 1972, the Texas legislature passed an act enabling voters in Midland Independent School District to create a college district separate and apart from the Permian Junior College System. An election in December 1972 resulted in creation of the College District and issuance of $5,100,000 in bonds to construct facilities for the new college. The College has been dedicated to community service since opening in 1969. Academic, occupational-technical, and continuing education programs are provided for students from all segments of the population.

The Midland College service area includes territory within Midland County, except the territory within the Greenwood Community; and Reagan, Pecos, Terrell, and Crockett Counties

Purpose, Role, Mission Statement, Goals, and Objectives

MISSION STATEMENT:

Midland College serves West Texas through exemplary teaching and dedicated public service.

We prepare and inspire diverse students to start, strive, and succeed. We strengthen community through educational leadership and collaboration.

Midland College provides quality programs and courses, relevant workforce development and continuing education, valuable personal enrichment and cultural experiences, and community- and student centered services.

The Strategic and Operational Goals and Objectives of the College are:

GOAL 1: Start

Increase participation in courses, programs and services

Strategic Objective 1.1: Expand community-focused education and training

Strategic Objective 1.2: Expand services focused on increasing community enrollment

GOAL 2: Strive

Support student development and meaningful progress toward educational goals

Strategic Objective 2.1: Promote student competence in managing educational progress

Strategic Objective 2.2: Implement structural changes designed to support student progress

Strategic Objective 2.3: Build innovative, flexible student-centered support and resources
GOAL 3: Succeed

Improve students’ achievement of their educational goals

Strategic Objective 3.1: Align educational programs with the dynamic expectations of partner institutions and employers

Strategic Objective 3.2: Align services with the dynamic expectations of partner institutions and employers

OPERATIONAL GOAL: Institutional Excellence

Maintain the quality of programs, services, support and infrastructure

Operational Objective 1: Attract and retain a qualified, competent, and accountable faculty and staff

Operational Objective 2: Maintain the effectiveness of student-centered instruction and services

Operational Objective 3: Maintain the effectiveness of community improvement activities, and life-long learning and cultural experiences

Operational Objective 4: Maintain fiscal, physical and technological resources that support and strengthen programs and services

Board of Trustees

Policies BA series and BB series

Consistent with Texas law and Southern Association of Colleges and School Commission on College standards, the Midland College Board of Trustees (the Board) has the power to govern and oversee the management of the College. The board is the policy-making body for the College and has overall responsibility for the curriculum, taxes, annual budget, facilities, and appointment of the president or other chief executive, dean, faculty, and other employees. The board has complete and final control over College matters within limits established by state and federal laws and regulations.

The Board is elected by the citizens of the college to represent the community’s commitment to a strong educational program for students. Board members are elected at large and serve six-year terms. Board members serve without compensation, must be qualified voters, and must reside in the College district.

Current Board members include:

- Linda J. Cowden, Chairperson
- Paul L. Morris, Vice Chairperson
- Ralph L. Way, Secretary
- Stephen N. Castle, Board Member
- Will R. Green, Board Member
- Steven C. Kiser, Board Member
- G. Larry Lawrence, Board Member
• Charlene R. McBride, Board Member
• Kenneth A. Peeler, Board Member

Board Meetings

Policies BD series

The Board usually meets on the third Tuesday of each month at 4:00 p.m. Special and emergency meetings may be called when necessary. A written notice of regular and special meetings will be posted on the college website, at https://www.midland.edu/about/guidance-vision/board-trustees.php at least 72 hours before the scheduled meeting time. The written notice will show the date, time, place, and subjects of each meeting. In emergencies, a meeting may be held or addition to the board agenda made with a two-hour notice.

The board meeting schedule, agendas, notices, and minutes are posted on the College website https://www.midland.edu/about/guidance-vision/board-trustees.php.

All meetings are open to the public. In certain circumstances, Texas law permits the Board to go into a closed session from which the public and others are excluded. Closed session may occur for such things as discussing prospective gifts or donations, real-property acquisition, certain personnel matters including employee complaints, security matters, student discipline, or consulting with attorneys regarding pending litigation.

Administration

Policies DF series and BG series

Administrative and Academic Officers
Steve Thomas, President
Rick Bender, Vice President of Administrative Services
Damon Kennedy, Vice President of Instructional Services
Julia Vickery, Vice President of Student Services
Bahola Edwards, Assistant to the President/Secretary to the Board
Deana Savage, Special Advisor to the President
Rebecca Bell, Executive Director of Institutional Advancement and the MC Foundation
Dale Beikirch, Dean of Adult and Continuing Education
Wendy Collins, Associate Dean of Health Sciences Dual Credit and Continuing Education
Frank DeLaO, Dean of Social/Behavioral Sciences and Business
Michael Dixon, Dean of Instructional Support Services
Carmen Edwards, Dean of Health Sciences
William Feeler, Dean of Fine Arts and Communications
Curt Pervier, Dean of Applied Technology
Formon Thompson, Dean of Enrollment Management
College Event Calendar
The College event calendar may be accessed on the College’s website https://www.midland.edu/calendar/.

Helpful Contacts
From time to time, employees have questions or concerns. If those questions or concerns cannot be answered by supervisors or at the campus or department level, the employee is encouraged to contact the appropriate department as listed in the College directory. The directory may be accessed on the College’s website https://www.midland.edu/directory/.

SUPPORT SERVICES
Building Maintenance
On-Call ................................................................. (432) 553-3992

INFORMATION TECHNOLOGY
Help Desk-help@midland.edu ..................................... (432) 685-4788

MIDLAND COLLEGE POLICE DEPARTMENT
Emergency Number ................................................. (432) 686-4911
Note: This telephone number is answered 24 hours a day.
Employment

Equal Employment Opportunity

*Policies DAA series, DIAA, DIAB*

Midland College does not discriminate against any employee or applicant for employment because of race, color, religion, sex (including pregnancy), gender, national origin, age, disability, military status, genetic information, or on any other basis prohibited by law. Additionally, the College does not discriminate against an employee or applicant who acts to oppose such discrimination or participates in the investigation of a complaint related to a discriminatory employment practice. Employment decisions will be made on the basis of each applicant’s job qualifications, experience, and abilities.

Employees with questions or concerns about discrimination based on sex, including sexual harassment, should contact Natasha Morgan, Director of Human Resources/Payroll, 3600 N. Garfield Street, PAD 104, Midland, Texas 79705, the Title IX Coordinator. Employees with questions or concerns about discrimination on the basis of a disability should contact Natasha Morgan, the ADA/Section 504 Coordinator. Questions or concerns relating to discrimination for any other reason should be directed to the College President.

New Positions

*Policy DC*

The creation of a new position requires (1) administrative approval through the level of the appropriate Administrative Council member and President, (2) evaluation and classification by the Director of Human Resources/Payroll, and (3) supervisory approval and appropriate Administrative Council member’s approval of the specific position announcement.

Job Vacancy Announcements

*Policy DC*

Announcements of job vacancies by position and location are posted on a regular basis to the College website https://midland.peopleadmin.com. Current employees may apply for vacancies for which they have appropriate qualifications.

Hiring Processes

*Policy DC*

Vacant positions may be filled internally by transfer, promotion or as a part of a reorganization on a noncompetitive basis. A supervisor may recommend a noncompetitive transfer or promotion. The recommendation must include a complete justification. The supporting justification for a recommendation of a noncompetitive transfer or promotion must include a review of the employee’s qualifications for the position compared to the qualifications required and must include a review of the employee’s performance on his/her current job and potential for successful performance in the transfer position. Consideration shall be given to eligible employees and the recommendation based upon demonstrated ability and qualifications. The recommendation will
be referred to the President through the respective Administrative Council member. For contractual personnel, the President will submit the action to the Board for confirmation.

Vacancies not filled by internal transfers, promotions or reorganizations must be filled through a competitive selection process. No external candidate can be appointed to a full-time position except through a posted competitive selection process. Current or former employees are eligible to apply for any posted position for which they meet the minimum posted qualifications. The employee’s performance in their current assignment and/or previous assignments shall be considered.

The Director of Human Resources/Payroll shall establish guidelines for advertising employment opportunities, posting notices of vacancies and selecting candidates to be recommended for approval. These procedures will be published on the intranet.

The selection of personnel shall be based on the posted specifications and the applicant’s demonstrated skill, training, education and experience. Applicants shall be considered without regard to friendship, influence or factors that are unrelated to the position.

All individuals interested in applying for employment with Midland College should apply online. Applications will be processed by the Human Resources/Payroll department.

**Pre-Employment Examination and Inquiries**

*Policy DBB*

Applicants hired for jobs in the categories listed below, will be required to successfully complete a medical examination (work-steps physical) prior to beginning his or her job duties.

- Maintenance Technician
- Groundskeeper
- Custodian
- Vehicle Make Ready/Driver

**Employment after Retirement**

*Policy DC*

An individual receiving retirement benefits from the Teacher Retirement System (TRS) may be employed by the College if the Board determines that the employment is in the best interests of the College and the person has been retired for at least one full calendar month before the effective date of employment. An individual who retired under the Texas Optional Retirement Program also may be rehired and is not subject to a waiting period. Failure to follow TRS rules may result in a reduction or loss of annuity.
Reemployment of Former Employees

Policy DC

Faculty or classified employees who terminate employment, and are later re-hired, may be placed on the appropriate salary schedule at Step 10 or below; however, the step may not exceed the step the employee held at the time of termination. The foregoing are maximum limits of placement on the salary step; actual placement should be made after careful consideration of the employee’s past performance, applicable experience, and skills qualification. The President must approve the step placement.

Contract and Noncontract Employment

Policy DCA, DCC

College employees are either issued a contract or are considered employed at will.

Term Contracts. Select employees, including faculty and administrators, will be employed by contract for a term of up to three years. The terms and conditions of employment are detailed in the contract and employment policies. All contract employees will receive a copy of their contract. Employment policies can be accessed online or copies will be provided upon request.

At-Will Employment. Employees not issued a contract are considered to be employed at will. Employment is not for any specified term and may be terminated at any time by the employee or the College.

Volunteers

Policy DC, See Appendix A – Volunteer Agreement Form

A volunteer is an uncompensated individual who performs services for the College. College volunteers are not covered by the Fair Labor Standards Act (FLSA) and are not considered employees for any purpose. Therefore, they are not eligible for any College benefits as a result of this volunteer association. Volunteers are not eligible for Workers’ Compensation.

College volunteers are viewed as a representative of the College while performing assigned duties. Therefore, these individuals are expected to abide by the policies and procedures of the College.

Volunteers are generally prohibited from performing the following activities:

- Operating heavy equipment
- Working with hazardous materials
- Working with confidential information
- Driving students or staff members in College or personal vehicles

A volunteer must consent to a criminal background check in the same manner as an employee.

An MC Volunteer Acknowledgement, Waiver, and General Release (Volunteer Agreement) form (See [Appendix A]) should be submitted along with the required background check release forms to the Director of Human Resources/Payroll for approval. The Volunteer Agreement form should...
be filled out by the volunteer and submitted up the chain of command through the appropriate Administrative Council member and to the Director of Human Resources/Payroll for final approval.

Once approved, the Director of Human Resources/Payroll or designee will notify appropriate parties.

**Recertification of Employment Authorization**
*Policy DC*

At the time of hire, all employees must complete the Employment Eligibility Verification Form (Form I-9) and present documents to verify identity and employment authorization.

Employees whose immigration status, employment authorization, or employment authorization documents have expired must present new documents that show current employment authorization. Employees should file the necessary application or petition sufficiently in advance to ensure that they maintain continuous employment authorization or valid employment authorization documents. Contact the Human Resources/Payroll department if you have any questions regarding reverification of employment authorization.

**Searches and Alcohol and Drug Testing**
*Policy CR, DHB, See Appendix B*

Noninvestigatory searches in the workplace including accessing an employee’s desk, file cabinets, work area, or College-owned technology to obtain information needed for usual business purposes may occur when an employee is unavailable. Therefore, employees are hereby notified that they have no legitimate expectation of privacy in those places. In addition, the College reserves the right to conduct searches when there is reasonable cause to believe a search will uncover evidence of work-related misconduct. Such an investigatory search may include drug and alcohol testing if the suspected violation relates to drug or alcohol use. The College may search the employee, the employee’s personal items, and work areas including College-owned technology resources, lockers, and private vehicles parked on College premises or work sites or used in College business.

**Employees Required to Have a Commercial Driver’s License.** Any employee whose duties require a commercial driver’s license (CDL) is subject to drug and alcohol testing. This includes all drivers who operate a motor vehicle designed to transport 16 or more people counting the driver, drivers of large vehicles, or drivers of vehicles used in the transportation of hazardous materials. Faculty, coaches, or other employees who primarily perform duties other than driving are subject to testing requirements if their duties include driving a commercial motor vehicle.

Drug testing will be conducted before an individual assumes driving responsibilities. Alcohol and drug tests will be conducted when reasonable suspicion exists and at random. Return-to-duty and follow-up testing will be conducted if an employee who has violated the prohibited alcohol conduct standards or tested positive for alcohol or drugs is allowed to return to duty. Testing may be conducted following accidents. This table depicts the circumstances under which an employer is required to perform a post-accident alcohol or controlled substances test, in accordance with 49 CFR 382.303(a).
<table>
<thead>
<tr>
<th>Types of accidents involved</th>
<th>Citation issued to the CMV driver</th>
<th>Test must be performed by the employer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Human fatality</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Human fatality</td>
<td>NO</td>
<td>YES</td>
</tr>
<tr>
<td>Bodily injury with immediate medical treatment away from the scene</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Bodily injury with immediate medical treatment away from the scene</td>
<td>NO</td>
<td>NO</td>
</tr>
<tr>
<td>Disabling damage to any motor vehicle requiring tow away</td>
<td>YES</td>
<td>YES</td>
</tr>
<tr>
<td>Disabling damage to any motor vehicle requiring tow away</td>
<td>NO</td>
<td>NO</td>
</tr>
</tbody>
</table>

All employees required to have a CDL or who otherwise are subject to alcohol and drug testing will receive a copy of the relevant policy, the testing requirements, and detailed information on alcohol and drug abuse and the availability of assistance programs.

Employees with questions or concerns relating to alcohol and drug policies and related educational material should contact Natasha Morgan, Director of Human Resources/Payroll, (432) 685-4534.

**Workload and Work Schedules**

*Policies DEA, DJ*

**Professional Employees.** Faculty, administrators, and other professionals are exempt from overtime pay and are employed according to the work schedules set by the College. Notice of work schedules including start and end dates and scheduled holidays will be distributed each academic year.

**Support and Auxiliary Employees.** Support employees and some part-time professionals are considered nonexempt workers and receive notification of the required work schedule, hours of work, and holidays for their position on an annual basis. Nonexempt employees must be compensated for overtime and are not authorized to work in excess of their assigned schedule without prior approval from their supervisor. See *Overtime Compensation* for additional information.
Work Hours

Policy DEA

The workweek for full-time employees is Monday through Friday, eight hours per day generally from 8 a.m. to 5 p.m. unless another schedule has been approved with a one-hour lunch break. The summer workweek changes to a nine-hour workday Monday through Thursday generally from 7:30 a.m. to 5:30 p.m. unless another schedule has been approved with a one-hour lunch break. A lunch break is not compensated. Each full-time employee is allowed a morning and afternoon break, not to exceed 20 minutes.

Travel – Determining Compensable Time for Nonexempt Employees

DEA, See Appendix C

Employees in positions classified as nonexempt (overtime eligible) under the Fair Labor Standards Act may be eligible for compensation for the time they spend traveling. The compensation that an employee receives depends on the kind of travel and whether the travel time takes place within normal work hours. See [Appendix C] for additional information.

Breaks for Expression of Breast Milk

Policies DG

The College supports the practice of expressing breast milk and makes reasonable accommodations for the needs of employees who express breast milk. A place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk will be provided.

A reasonable amount of break time will be provided when the employee has a need to express milk. For nonexempt employees, these breaks are unpaid and are not counted as hours worked. Employees should meet with their supervisor to discuss their needs and arrange break times.

Outside Employment

Policy DBD, DBF, See Appendix D – Outside Employment Form

Employees shall disclose in writing on the Notification of Outside Employment Form (Form) any outside employment. This form shall be submitted to the employee’s supervisor prior to engagement in outside employment and annually each September thereafter. Form should be submitted up the chain of command to the appropriate Administrative Council Member. Executed Form should be submitted to the Human Resources/Payroll department for inclusion in employee’s personnel file.

The outside employment must not in any way create a potential conflict of interest with the proper discharge of assigned duties and responsibilities or with the best interest of the College.
Performance Evaluation  
*Policy DL series, See Appendix E*

Evaluation of an employee’s job performance is a continuous process that focuses on improvement. Performance evaluation is based on an employee’s assigned job duties and other job-related criteria including end-of-course evaluation of faculty. All full-time employees will participate in the evaluation process with their assigned supervisor at least annually. Written evaluations will be completed on forms approved by the College. Reports, correspondence, and memoranda also can be used to document performance information. All employees will receive a copy of their written evaluation, participate in a performance conference with their supervisor, and have the opportunity to respond to the evaluation.

Promotion  
*Policy DLC*

An employee who applies and is selected to a position at a higher skill level than his/her present position will be placed on the new skill level at the employee’s current step.

However, no employee will be placed at a higher step on the new skill level than his/her current step.

Demotion  
*Policy DLC*

An employee may be transferred to a job at a lower skill level than his/her present position. The employee will retain his/her salary until a step is reached for the new position where the salary would increase.
Compensation and Benefits

Salaries, Wages, and Stipends

*Policies DE, DEA*

Employees are paid in accordance with administrative guidelines and an established pay structure. The College’s pay plans are reviewed by the administration each year and adjusted as needed. All College positions are classified as exempt or nonexempt according to federal law. Professional employees and academic administrators are generally classified as exempt and are paid monthly salaries. They are not entitled to overtime compensation. Other employees are generally classified as nonexempt and are paid an hourly wage or salary and receive compensatory time or overtime pay for each hour worked beyond 40 in a workweek. (See *Overtime Compensation.*)

Faculty who teach courses in addition to a regular course load and exempt employees who perform supplemental duties may be paid a stipend in addition to their salary according to the College’s stipend schedule.

Employees should contact the Human Resources/Payroll department for more information about the College’s pay schedules or their own pay.

Salary Progression

*Policy DEA*

**Classified Personnel.** A new employee of the College will normally be placed on Step 1 at the appropriate level on the classified salary schedule. The employee will progress one step at the beginning of the fiscal year unless it is the employee’s first year and he/she was hired in June, July, or August.

During times of financial exigency, step progression may be suspended.

An employee may be placed on Step 2 when prior experience is considered of direct benefit to the College. Such experience must be documented in writing by the hiring supervisor, the experience must be directly related to the job for which they are being hired, and must be justified in light of the experience of all other employees in like jobs.

When an employee reaches the maximum salary step, annual salary increases cease unless an exception is granted by the President.

**Pre-K Teachers.** For purposes of initial placement on the salary schedule, step placement is determined by the creditable years of service as defined by the Texas Administrative Code §153.1021 and education level. The maximum placement on the salary schedule is step 10. The employee will progress one step at the beginning of the fiscal year unless it is the employee’s first year and he/she was hired in June, July, or August.

During times of financial exigency, step progression may be suspended.
Newly employed teachers will have 60 days from the date of hire to submit teacher service records to be considered for step placement on the salary schedule.

When an employee reaches the maximum salary step, annual salary increases cease unless an exception is granted by the President.

**Annualized Salary**

*Policy DEA*

All salaried employees shall be paid over 12 months, regardless of the number of months employed during the academic year.

Employees who are hired after January 1 and have less than a 12-month appointment may elect to have the pay prorated over the remaining portion of the fiscal year or for the period of appointment only. This election will only be given the first fiscal year and if reappointed the employee will be paid over a 12-month period starting the next fiscal year.

If a salaried employee terminates employment, the employee shall receive the balance of the unpaid salary earned on the regularly-scheduled payday corresponding with the approved effective date of resignation.

**Salary-Grant Personnel**

*Policy DEA*

Grant personnel will be paid according to College salary schedules and professional ranges.

**Reclassification**

*Policy DEA*

When duties and responsibilities of a job change significantly, the Human Resources/Payroll Director shall, during budget development, review the position for possible reclassification. Justification is required. This procedure may result in a classification of a higher or a lower level.

When the job is reclassified to a higher level, the incumbent will retain his/her step on the new level. If the reclassification results in a lower skill level, the incumbent’s salary will not be adjusted. However, his/her step and salary will remain unchanged until the salary schedule is adjusted where an increase in salary would occur at that step. Subsequently, annual step increments resume.

**Paychecks**

All professional, salaried, adjunct faculty, and hourly employees are paid monthly. Classified employees and game-management employees are paid semi-monthly. Paychecks will not be released to any person other than the College employee named on the check without the employee’s written authorization.
An employee’s payroll statement contains detailed information including deductions and withholding information. Copies of payroll statements and schedule of pay dates are available on Payroll Advisor https://mymcportal.midland.edu/ics.

**Direct Deposit**

Employees can have their paychecks electronically deposited into a designated account or to multiple accounts. Contact the Human Resources/Payroll department for more information about direct deposit.

**Payroll Deductions**

*Policy CDDA*

The College is required to make the following automatic payroll deductions:

- Teacher Retirement System of Texas (TRS), optional retirement program (ORP), or a FICA-alternative plan (PTSA) selected by the College
- Federal income tax
- Medicare tax (applicable only to employees hired after March 31, 1986)
- Child support and spousal maintenance, if applicable
- Delinquent federal education loan payments, if applicable
- English proficiency course costs, if applicable
- Garnishments required by state or federal law (i.e. bankruptcy, tax levy), if applicable

Other payroll deductions employees may elect include:

- Employee’s share of premiums for health, dental, life, vision insurance, or other insurance coverages for which the College offers
- Annuities
- United Way
- Midland College Foundation
- Midland College programs
- Certain charitable contributions approved by the Board
- 403(b) Loans obtained prior to 8/25/2016

Salary deductions are automatically made for unauthorized or unpaid leave.

**Overtime Compensation**

*Policies DEA, DEC*

The College compensates overtime for nonexempt employees in accordance with federal wage and hour laws. Only nonexempt employees or hourly employees are entitled to overtime compensation. Nonexempt employees are not authorized to work beyond their normal work schedule without advance approval from their supervisor. A nonexempt employee who works overtime without prior approval will be subject to disciplinary action.
Overtime is legally defined as all hours worked in excess of 40 hours in a workweek and is not measured by the day or by the employee’s regular work schedule. Nonexempt employees that are paid on a salary basis are paid for a 40-hour workweek and do not earn additional pay unless they work more than 40 hours. For the purpose of calculating overtime, a workweek begins at 12:00 a.m. Monday and ends at 11:59 Sunday.

Employees may be compensated for overtime (i.e., hours beyond 40 in a workweek) at time-and-a-half rate with compensatory time off (comp time) or direct pay. The following applies to all nonexempt employees:

- Employees can accumulate up to 240 hours of comp time. Once the limit has been reached, the employee may be required to use the comp time or may receive overtime pay for additional hours.
- Use of comp time may be at the employee’s request with supervisor approval, as workload permits, or at the supervisor’s direction.
- Weekly time records will be maintained on all nonexempt employees for the purpose of wage and salary administration.

**Travel Expense Reimbursement**

*Policy DEE*

Before any travel expenses are incurred by an employee, the employee’s supervisor must give approval. For approved travel, employees will be reimbursed for mileage and other travel expenditures according to the current rate schedule established by the College. Travel expenditures paid by a federal or state grant will be limited to the allowable amount as specified by the specific program. Employees must submit receipts to be reimbursed for allowable expenses other than mileage. Expenses for meals associated with authorized travel not related to a state or federal grant will be paid on a per diem basis. No receipts are required for expenses paid on a per diem basis.

**Full-Time Employee Benefits**

*Policy DE*

Full-time employees who customarily work at least 40 hours per week, shall have the option to receive the following employer-paid benefits upon meeting eligibility requirements of the Texas Employees Group Benefits Program (GBP), if applicable:

- Health insurance that includes a prescription drug program and $5,000 Basic Group Term Life Insurance with $5,000 of Accidental Death and Dismemberment coverage;
- Short-term Disability;
- Long-term Disability;
- Dental Insurance;
- Optional Term Life Insurance Election 2, two times the employee’s annual salary, reducing at certain ages; and
• Tax-Deferred Annuity payments in the amount of seven percent of an employee’s base salary paid by the College District. Employees with temporary full-time assignments shall not be eligible for this benefit.

**Retiree Benefits.** The College District shall reimburse a retiree’s portion of dental insurance, if enrolled, and for a maximum of the cost of retiree fixed optional life insurance coverage in the amount of $10,000 until age 70, if enrolled.

**Health, Dental, and Life Insurance**  
*Policy CKD, See Appendix F – PTOB Form*

Group health insurance coverage is provided to regular full-time employees through the Employee Retirement System (ERS), Texas Employee Group Benefits Program (GBP). The College contributes the full employee insurance premium and half the premiums applicable to the employee’s dependents. Tobacco users are subject to additional premiums that are not covered by the College.

Qualifying adjunct faculty may participate in the program, but the College will not contribute to the employee premiums. Adjunct faculty members must meet several criteria to be eligible for GBP benefits. They must:

• Receive compensation for services rendered to the institution;  
• Have taught at the College in the preceding academic year and;  
• Have taught at least one course in the regular fall and spring semesters during the preceding academic year.

Qualifying part-time employees and adjunct faculty may participate in the program, and the College will contribute a portion to the employee and dependent insurance premium. See [Appendix F] for Guidelines and Request for Approval of Part-Time Employee Working Over 19 Hours Per Week (PTOB Form) for eligibility criteria and amount of employer contributions to premiums.

The GBP includes medical, dental, term and accidental life, and short- and long-term disability, vision insurance as well as prescription drug coverage. The insurance plan year is from September 1 through August 31. Current employees can make changes in their insurance coverage during open enrollment each year or within the first 31 days of the event when they experience a qualifying event (e.g., marriage, birth, divorce). Detailed descriptions of insurance coverage, employee cost, and eligibility requirements are located in the ERS Employee Benefits guide located on the College website https://www.midland.edu/audiences/faculty-staff/hr/benefits.php. Employees should contact the Human Resources/Payroll department for more information.
Supplemental Insurance Benefits

Policy CKD

At their own expense, employees may enroll in supplemental insurance programs for AFLAC cancer, critical illness and hospital insurance. Premiums for these programs can be paid by payroll deduction. Employees should contact the Human Resources/Payroll department for more information.

Cafeteria Plan Benefits (Section 125)

Policy CDDA

Employees may be eligible to participate in the Cafeteria Plan (Section 125) and, under IRS regulations, must either accept or reject this benefit. This plan enables eligible employees to pay certain insurance premiums on a pretax basis (i.e., health, tobacco user premium, accidental death and dismemberment, dental, vision, HCRA, DCRA, HSA and additional term life insurance). A third-party administrator handles employee claims made on these accounts.

New employees must accept or reject this benefit during their first month of employment. All employees must accept or reject this benefit on an annual basis and during the specified time period.

Workers’ Compensation Insurance

Policy CKE

The College, in accordance with state law, provides workers’ compensation benefits to employees who suffer a work-related illness or are injured on the job. The College has workers’ compensation coverage from the Texas Association of School Boards (TASB), effective 9/1/2005.

Benefits help pay for medical treatment and make up for part of the income lost while recovering. Specific benefits are prescribed by law depending on the circumstances of each case.

All work-related accidents or injuries should be reported immediately to the Human Resources/Payroll department. Employees who are unable to work because of a work-related injury will be notified of their rights and responsibilities under the Texas Labor Code. See Workers’ Compensation Benefits, for information on use of paid leave for such absences.

Unemployment Compensation Insurance

Policy CKF

Employees who have been laid off or terminated through no fault of their own may be eligible for unemployment compensation benefits. Employees are not eligible to collect unemployment benefits during regularly scheduled breaks in the school year, including the summer break, if they have employment contracts or reasonable assurance of returning to service. Employees with questions about unemployment benefits should contact the Human Resources/Payroll department.
Retirement
Policy DF

All College employees shall be required to participate in a retirement program.

All personnel employed on a regular, half-time or more basis for at least four and one-half months or work for more than one full semester shall be members of the Teacher Retirement System of Texas (TRS), unless excepted by law.

Full-time faculty may choose to opt out of TRS and enroll in an optional retirement program (ORP). The option to enroll in the ORP must be made no later than the 90th calendar day of the first day of employment. Failure to elect the ORP during the 90-day election period shall be a default election into TRS.

An employee who is eligible to elect the ORP shall only have one opportunity during his or her lifetime, including any future periods of employment in Texas public higher education, to elect the ORP in lieu of TRS. The election may never be revoked. Therefore, new employees are urged to make this decision carefully.

Part-time employees who are not members of TRS or an optional retirement program shall be required to participate in a FICA-alternative plan (PTSA) selected by the College.

Employees who plan to retire should notify the Human Resources/Payroll department as soon as possible. Information on the application procedures for TRS benefits is available from TRS at Teacher Retirement System of Texas, 1000 Red River Street, Austin, TX 78701-2698, or call 800-223-8778 or 512-542-6400. TRS information is also available on the web (www.trs.texas.gov).

Optional Retirement Program Supplemental Rate
Policy DF

The ORP participant and College make mandatory monthly contributions using percentages of salary that are established by the state legislature and subject to change. The College may provide a supplement to the state base rate under the following conditions:

Amount of Supplemental Rate. The supplemental rate may be any amount that, when added to the state base rate does not exceed the maximum employer rate established in the ORP statute.

Grandfathered. Each participant whose first date to participate in ORP in lieu of TRS at any Texas ORP employer, is prior to 9/1/1995, shall receive the same supplemental rate as other participants in this group, regardless of any break in service. This group of participants shall be referred to as the grandfathered group.

Non-Grandfathered. Each participant whose first date to participate in ORP in lieu of TRS at any Texas ORP employer is on or after 9/1/1995, shall receive the same supplemental rate as other participants in this group, regardless of any break in service. This group of participants shall be referred to as the non-grandfathered group.
Annual Determination. The amount of the supplemental rate shall be determined annually and approved by the College President to be effective for the entire year. There will be two different supplemental rates, one for the grandfathered group and one for the non-grandfathered group.

Other Benefit Programs
Policy DEB, See Appendices G and H – Wellness Release Time Approval Form

College District Scholarship. Full-time employees and their dependents, including spouses and children, enrolled in credit courses at the College shall have their tuition paid to a maximum of $224 per semester per enrolled student. Other related fees shall not be included.

Departmental Scholarship. Tuition and fees in excess of $224 per semester may be paid from departmental budgets for employees to take one credit or non-credit course per semester if approved by the employee’s respective administrative council member. Tuition and fees covered by departmental scholarships must directly relate to skills needed in the employee’s current position.

Foundation Grant. The Midland College Foundation may award financial grants for tuition and fees to encourage employees to complete a degree or obtain credentials in a second teaching field in accordance with administrative regulations and upon the College President’s recommendation. See [DEB (LOCAL)] for eligibility criteria and additional information. Employees should contact the Institutional Advancement/MC Foundation office for additional information.

Fitness Center. Employees may use the College Fitness Center during hours of operation and are allowed to bring one guest over the age of 16 with a College ID card. Employees should contact the Fitness Center for additional information.

Athletic Events. Employees have free admission to every home Midland College regular season event with a College ID card. Employees should contact the Athletics department for additional information.

Employee Wellness Program-Chap Fit. To encourage participation in health and wellness activities, full-time employees will be allowed 30 minutes of release time during normal working hours up to 2 times per week to participate in physical exercise, participate in fitness activities offered in the Midland College Fitness Center or attend on-site wellness seminars when offered. Activities are offered at all College operated locations. Approval to participate is required by the employee’s supervisor. See [Appendix G for the Administrative Regulation] and [Appendix H for the Wellness Release Time Approval Form].
Leaves and Absences

Policies DEC series, DAAA, DECA, DECB, CKD, See Appendices I and J – Weekly Leave Request Form

The College offers employees paid and unpaid leaves of absence in times of personal need. This handbook describes the basic types of leave available and restrictions on leaves of absence. Employees who expect to be absent for an extended period of more than three days should call the Human Resources/Payroll department for information about applicable leave benefits, payment of insurance premiums, and requirements for communicating with the College.

Employees must follow College and department procedures to report or request any leave of absence and complete the appropriate form or certification.

Medical Certification. An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than three consecutive workdays because of personal illness or injury or illness or injury in the immediate family. If the employee is absent because of illness or injury in the immediate family, the medical certification shall certify the necessity for the employee to care for the individual and the individual’s expected length of recovery;

2. The College requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor;

3. The employee requests leave that would qualify for FMLA leave for the employee’s serious health condition or that of a spouse, parent, or child; or

4. The employee requests leave that would qualify for FMLA leave for military caregiver purposes.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

The College shall not approve the use of sick leave for an employee refusing to comply with a requirement to provide medical certification, and any resulting absences will be considered unapproved. In such case, employee shall be required to use an alternate form of paid leave, if available.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits covered employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we ask that employees and health care providers do not provide any genetic information in any medical certification. Genetic information, as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member, or an embryo lawfully held by an individual or family member receiving assistive reproductive services.
Continuation of Health Insurance. Health insurance benefits for employees on paid leave and leave designated under the Family and Medical Leave Act will be paid or supplemented by the College as they were prior to the leave.

Employees on an approved unpaid leave of absence, other than family and medical leave, may continue their insurance benefits at their own expense. Otherwise, the College does not pay any portion of insurance premiums for employees who are on unpaid leave. This includes absences due to a work-related injury or illness.

Vacation
Policy DEC

Full-time, 12-month employees shall accrue paid vacation in accordance with administrative regulations and the following schedule:

<table>
<thead>
<tr>
<th>Years of Employment</th>
<th>Accrual Rate Per Month</th>
<th>Annual Benefit</th>
<th>Maximum Accumulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 through 9</td>
<td>6.67</td>
<td>80</td>
<td>120</td>
</tr>
<tr>
<td>10 through 19</td>
<td>10</td>
<td>120</td>
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</tr>
<tr>
<td>20+</td>
<td>13.33</td>
<td>160</td>
<td>240</td>
</tr>
</tbody>
</table>

An employee shall not take more vacation at one time than their annual benefit.

An employee who separates from employment with the College District shall be eligible for reimbursement of vacation leave under the following conditions:

1. The employee’s separation from employment is voluntary, i.e., the employee is retiring or resigning in compliance with DMD (LOCAL) or a result of a reduction in force and is not being discharged or nonrenewed.

2. The employee shall be reimbursed for accumulated vacation leave up to a maximum of their annual benefit at a rate of the employee’s current base hourly rate. Vacation leave accumulated above employee’s annual benefit will be forfeited even if the employee is rehired at a later time.

3. The employee has at least six months of full-time service with the College District. If an employee has less than six months of full-time service, all accumulated vacation leave shall be forfeited, even if the employee is rehired at a later time.

Holidays
College Holidays may be found in the Academic Calendar https://www.midland.edu/academics/academic-calendars.php.

The number of scheduled holidays can vary between employee groups, departments, and may change from year to year based on the calendar. Departments with scheduled holidays that differ from College Holidays as published in the Academic Calendar shall maintain a Departmental Calendar that is approved by the respective administrative council member and submit a copy of the approved calendar to the Director of Human Resources/Payroll.
Immediate Family

Policy DEC

The term “immediate family” is defined as:

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a stepchild, a legal ward, or a child for whom the employee stands in loco parentis.
3. Parent, stepparent, parent-in-law, or other individual who stands in loco parentis to the employee.

Sick Leave

Policy DEC

Full-time employees, including full-time faculty, shall earn eight hours of paid sick leave per month during the employee’s employment period as set forth in his or her most recent Memorandum of Appointment, if applicable, in accordance with administrative regulations.

Sick leave shall accumulate to a maximum of 720 hours.

Sick leave shall only be used for the following:

1. Illness or injury of the employee.
2. Illness or injury of a member of the employee’s immediate family.
3. Birth or placement of a child when taken within the first year after the child’s birth, adoption, or foster placement.
4. Donation to a sick leave bank in accordance with College District sick leave bank policies and administrative regulations.

An employee who has been absent more than ten consecutive workdays shall provide written permission from a doctor before resuming work.

An employee who separates from employment with the College District shall be eligible for reimbursement of sick leave under the following conditions:

1. The employee’s separation from employment is voluntary, i.e., the employee is retiring or resigning in accordance with DMD(LOCAL) or a result of a reduction in force and is not being discharged or nonrenewed.
2. The employee has at least ten years of full-time service with the College District. If an employee has less than ten years of full-time service, all accumulated sick leave shall be forfeited, even if the employee is rehired at a later time.

The employee shall be reimbursed for accumulated sick leave in excess of 240 hours at a rate of half of the employee’s current base hourly rate.
Personal Leave
Policy DEC

Full-time employees, including full-time faculty, shall earn 16 hours of paid leave per calendar year to conduct personal business in accordance with administrative regulations.

Personal leave shall be noncumulative.

Personal leave shall not be used to extend vacations or be taken during critical school days.

Personal leave shall not be subject to reimbursement.

Bereavement Leave
Policy DEC

A full-time employee may use five days of available paid sick leave per calendar year upon the death of a member of the employee’s immediate family, sibling, step-sibling, son or daughter-in-law, grandparent, or grandchild in accordance with administrative regulations.

Sick Leave Bank
Policy DEC, Appendices K, L, M

The College District shall establish a sick leave bank to which employees may contribute leave. An employee may request leave from the bank if the employee experiences a catastrophic illness or injury and has exhausted all paid leave.

See:
- Appendix K for additional information regarding eligibility and procedures for requesting leave from the sick leave bank
- Appendix L for the Sick Leave Bank Withdrawal Request Form
- Appendix M for the Sick Leave Bank Donation Form.

Family and Medical Leave Act (FMLA)—General Provisions

The following text is from the federal notice, Employee Rights and Responsibilities Under the Family and Medical Leave Act. Specific information that the College has adopted to implement the FMLA follows this general notice.

Leave Entitlements. Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within 1 year of the child’s birth or placement);
- To care for the employee’s spouse, child, or parent who has a qualifying serious health condition;
• For the employee’s own qualifying serious health condition that makes the employee unable to perform the employee’s job;
• For qualifying exigencies related to the foreign deployment of a military member who is the employee’s spouse, child, or parent.

An eligible employee who is a covered service member’s spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the service member with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer’s normal paid leave policies.

**Benefits and Protections.** While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual’s FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

**Eligibility Requirements.** An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

• Have worked for the employer for at least 12 months;
• Have at least 1,250 hours of service in the 12 months before taking leave; * and
• Work at a location where the employer has at least 50 employees within 75 miles of the employee’s worksite.

**Requesting Leave.** Generally, employees must give 30-days’ advance notice of the need for FMLA leave. If it is not possible to give 30-days’ notice, an employee must notify the employer as soon as possible and, generally, follow the employer’s usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection.

Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.
Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

**Employer Responsibilities.** Once an employer becomes aware that an employee’s need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility. Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

**Enforcement.** Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information:

www.dol.gov/whd

**Local Family and Medical Leave Provisions**

Eligible employees can take up to 12 weeks of unpaid leave in the 12-month period measured backward from the date an employee uses FMLA leave.

**Use of Paid Leave.** FMLA leave runs concurrently with accrued paid leave, including compensatory time and personal leave, and absences due to a work-related illness or injury. The College will designate the leave as FMLA leave, if applicable, and notify the employee that accumulated leave will run concurrently.

**Combined Leave for Spouses.** Spouses who are employed by the College are limited to a combined total of 12 weeks of FMLA leave to care for a parent with a serious health condition; or for the birth, adoption, or foster placement of a child. Military caregiver leave for spouses is limited to a combined total of 26 weeks.

**Intermittent Leave.** When medically necessary or in the case of a qualifying exigency, an employee may take leave intermittently or on a reduced schedule. The College does not permit the use of intermittent or reduced-schedule leave for the care of a newborn child or for adoption or placement of a child with the employee.

**Fitness for Duty.** An employee that takes FMLA leave due to the employee’s own serious health condition shall provide, before resuming work, a fitness-for-duty certification from the health care provider. If certification of the employee’s ability to perform essential job functions is required, the College shall provide a list of essential job functions (e.g., job description) to the employee with the FML designation notice to share with the health care provider.
**Reinstatement.** On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave began, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee’s absence. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period.

**Status Reports.**
An employee on FMLA leave must contact the Benefits Coordinator via telephone or email on the 1st and 15th day of each month (or the first workday following the 1st and 15th, if those days fall on a weekend or holiday) to report on the status for the reason for the leave, the employee’s intent to return to work, and the expected date of return.

**College Contact.** Employees that require FMLA or have questions should contact the Human Resources/Payroll department for details on eligibility, requirements, and limitations.

**Workers’ Compensation Benefits**

*Policy DEC*

An employee, absent from duty because of a job-related illness or injury, may be eligible for workers’ compensation weekly income benefits, if the absence exceeds seven calendar days.

An employee receiving workers’ compensation wage benefits for a job-related illness or injury may choose to use accumulated sick leave or any other paid leave benefits. An employee choosing to use paid leave will not receive workers’ compensation weekly income benefits until all paid leave is exhausted or to the extent that paid leave does not equal the pre-illness or -injury wage. If the use of paid leave is not elected, then the employee will only receive workers’ compensation wage benefits for any absence resulting from a work-related illness or injury, which may not equal his or her pre-illness or -injury wage. During the workers’ compensation absence, the employee is not eligible for the College’s contribution to health insurance premiums and is responsible for paying the entire amount.

**Jury Duty**

*Policy DEC*

Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the College and shall not be deducted from the employee’s pay or leave balance. Employees may keep any compensation the court provides.

An employee should report a summons for jury duty to the supervisor as soon as it is received and may be required to provide the College a copy of the summons to document the need for leave.

Employees are required to return to work when released by the Court if there are at least two hours remaining in the employee’s shift.
Compliance with a Subpoena

*Policy DEC*

Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the College and shall not be deducted from the employee’s pay or leave balance.

Truancy Court Appearances

*Policy DEC*

An employee, who is a parent or guardian of a child and any court-appointed guardian ad litem of a child who is required to miss work to attend a truancy court hearing, may use vacation leave, personal leave or compensatory time for the absence. Employees who do not have paid leave available will be docked for any absence required because of the court appearance.

Religious Observance

*Policy DEC*

An employee may request to be absent for a religious holiday or observance. Accommodations such as changes to work schedules or approving a day of absence will be made unless they pose an undue hardship to the College. The employee may use any accumulated vacation leave, personal leave or compensatory time for this purpose. Employees who have exhausted applicable paid leave may be granted an unpaid day of absence.

Faculty Members. Faculty members are required to provide written notice of a list of religious holy days to be observed during the semester to the division dean. The notice may be delivered personally or by certified mail return receipt requested. Faculty are also required to provide advance notice to all students whose class would be canceled.

Unpaid Leave

*Policy DEC*

Upon approval by the College President an employee may request and be granted an unpaid leave of absence not to exceed six months. Leave may be approved for:

1. An illness or injury of an employee who is not eligible for FMLA leave or whose FMLA eligibility has expired.
2. Educational purposes.
3. Justifiable personal reasons.

Such leave shall not be counted as a break in service; however, the leave period shall not be counted in total years of service to the College District for purposes such as retirement benefits, vacation leave, salary, and the like.

An employee on an unpaid leave of absence shall not be entitled to state appropriations for benefits, after the 12 weeks of FMLA leave is used if unpaid FMLA leave. An employee may continue such coverage providing satisfactory arrangements are made in advance for payment of existing coverage in accordance with administrative regulations.
An employee who does not return to duty or is unable to return to duty after the exhaustion of all approved leave time is subject to termination. Before a decision is made to terminate, the College District shall consider the employee’s eligibility for reasonable accommodation of a disability under the Americans with Disabilities Act. [See DAA]

**Leave for Staff Development**
*Policy DK*

Professional development for staff which enhances the effectiveness of Midland College may be accomplished through a program of release time and payment of fees for approved course work.

Guidelines:

- For purposes of this policy, the designation of staff includes secretarial, maintenance and administrative personnel not primarily engaged in the instruction of students. The designation of staff also includes lab instructors.
- Fees will be paid for participation in Midland College courses only.
- In order to receive release time and/or payment of fees to participate in course work, a staff member must receive written approval from his/her immediate supervisor. Such approval should be copied to the Human Resources/Payroll department.
- Release time and/or payment of fees will only be granted for course work which is directly related to the staff member’s work responsibilities.
- Release time and/or payment of fees will only be granted for participation in one course at any given time. An employee may receive approval to participate in more than one course provided arrangements are made for equitable work-time compensation for the time taken for the additional course(s). Such arrangements should be in writing, signed by both supervisor and staff member, and submitted to the Human Resources/Payroll department.
- A staff member may not take the same course more than two times utilizing the benefits of release time and/or payment of fees.

**Employee Professional Development**
*Policy DK, See Appendix N – Professional Development Transcript Form*

Professional development is an important and essential component of institutional effectiveness at Midland College. All full-time employees are expected to annually upgrade their professional skills. This may be done in a variety of methods, formats, and locations. Part-time employees are also encouraged to engage in professional development and will be supported by Midland College in this endeavor to the extent possible. The College will annually provide a variety of on-campus opportunities for professional development.

There is a clear expectation that all full-time employees will engage in documentable professional development each year which will become a part of the employees’ annual evaluation assessment. A record of professional development should be maintained and provided to their supervisor each year and will be included as part of the employee’s performance evaluation. Professional development experiences provided by the College have approval in advance for all appropriate groups. All other professional development experiences must be directly related to the employee’s
duties and receive prior supervisor approval. These may be held on campus, in town, or out of town if funds are available.

Possible Examples of Professional Development:

- Seminars
- Workshops
- Conventions
- College courses - traditional classroom or online courses
- Web-Casts
- Independent study

**Military Leave**

*Policy DECB*

**Paid Leave for Military Service.** Any employee who is a member of the Texas National Guard, Texas State Guard, reserve component of the United States Armed Forces, or a member of a state or federally authorized Urban Search and Rescue Team is entitled to paid leave when engaged in authorized training or duty orders by proper authority. Paid military leave is limited to 15 days each fiscal year.

**Reemployment after Military Leave.** Employees who leave the College to enter into the United States uniformed services or who are ordered to active duty as a member of the military force of any state (e.g., National or State Guard) may return to employment if they are honorably discharged. Employees who wish to return to the College will be reemployed provided they can be qualified to perform the required duties. Employees returning to work following military leave should contact the Director of Human Resources/Payroll within the period of time specified by law. In most cases, the length of federal military service cannot exceed five years.

**Continuation of Health Insurance.** Employees who perform service in the uniformed services may elect to continue their health plan coverage at their own cost for a period not to exceed 24 months. Employees should contact the Human Resources/Payroll department for details on eligibility, requirements, and limitations.
Employee Relations and Communications

Employee Recognition and Appreciation

Continuous efforts are made throughout the year to recognize employees who make an extra effort to contribute to the success of the College. Employees are recognized in the College newsletter, and through special events and activities. Recognition and appreciation activities also include Excellence Awards, Service Awards, and Retirement Awards.

College Communications

Throughout the academic year, the Public Relations, Marketing and Communications office publishes a variety of communication materials. These publications offer employees and the community information pertaining to school activities and achievements. They include the following: Clarion magazine, monthly online newsletter, website calendar, event fliers and posters.
Complaints and Grievances
Policy DGBA, See Appendix O

In an effort to hear and resolve employee concerns or complaints in a timely manner and at the lowest administrative level possible, the Board has adopted an orderly grievance process. Employees are encouraged to discuss their concerns or complaints with their supervisors or an appropriate administrator at any time.

The formal process provides all employees with an opportunity to be heard up to the highest level of management if they are dissatisfied with an administrative response. Once all administrative procedures are exhausted, employees can bring concerns or complaints to the Board. For ease of reference, the College’s policy concerning the process of bringing concerns and complaints is reprinted as follows:

POLICY DGBA(LOCAL)
PERSONNEL-MANAGEMENT RELATIONS
EMPLOYEE GRIEVANCES

Guiding Principles

Informal Process

The Board encourages employees to discuss their concerns with their supervisor or other appropriate administrator who has the authority to address the concerns.

Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

An employee may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

Complaints Against Supervisors

Complaints alleging a violation of law by a supervisor may be made to the College President or designee. Complaint forms alleging a violation of law by the College President may be submitted directly to the Board or designee.

Notice to Employees

The College District shall inform employees of this policy through appropriate College District publications.

Freedom from Retaliation

Neither the Board nor any College District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.

Whistleblower Complaints

Whistleblower complaints shall be filed within the time specified by law. Such complaints shall first be filed in accordance with LEVEL THREE, below. Time lines for the employee and the College District set out in this policy.
Complaints may be shortened to allow the Board to make a final decision within 60 days of the initiation of the complaint. [See DG]

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Employee complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with DGBA after the relevant complaint process:

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability). [See DIAA and DIAB]
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violations of Title VII. [See DIAA and DIAB]
3. Complaints concerning retaliation relating to discrimination and harassment. [See DIAA and DIAB]
4. Complaints concerning a commissioned peace officer who is an employee of the College District. [See CHA]
5. Complaints concerning an employment preference for former foster children. [See DC]
6. Complaints arising from the dismissal of term contract faculty members. [See DMAA]
7. Complaints concerning the nonrenewal of term contract employees and those arising from the nonrenewal of term contract faculty members. [See DMAB]

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including e-mail and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling Conferences

The College District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, the College District may hold the conference and issue a decision in the employee’s absence.

Response

At Levels One, Two, and Three, “response” shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the employee’s e-mail address of record, or sent by U.S. Mail to the employee’s
mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

**Days**

“Days” shall mean College District business days, unless otherwise noted. In calculating time lines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”

**Representative**

“Representative” means any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the complaint process.

The employee may designate a representative through written notice to the College District at any level of this process. If the employee designates a representative with fewer than three days’ notice to the College District before a scheduled conference or hearing, the College District may reschedule the conference or hearing to a later date, if desired, in order to include the College District’s counsel. The College District may be represented by counsel at any level of the process.

**Consolidating Complaints**

Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the College District may consolidate the complaints.

**Untimely Filings**

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

**Costs Incurred**

Each party shall pay its own costs incurred in the course of the complaint.

**Complaint and Appeal Forms**

Complaints and appeals under this policy shall be submitted in writing on a form provided by the College District.

Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

**Level One**

Complaint forms must be filed:
1. Within 15 days of the date the employee first knew, or with reasonable
diligence should have known, of the decision or action giving rise to the
complaint or grievance; and

2. With the lowest level administrator who has the authority to remedy
the alleged problem.

In most circumstances, employees shall file Level One complaints with
their immediate supervisor. If the only administrator who has authority
to remedy the alleged problem is the Level Two or Level Three
administrator, the complaint may begin at Level Two or Level Three,
respectively, following the procedure, including deadlines, for filing the
complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the
receiving administrator must note the date and time the complaint form
was received and immediately forward the complaint form to the
appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a
conference with the employee within ten days after receipt of the written
complaint. The administrator may set reasonable time limits for the
conference.

Absent extenuating circumstances, the administrator shall provide the
employee a written response within ten days following the conference. The
written response shall set forth the basis of the decision. In reaching a
decision, the administrator may consider information provided at the Level
One conference and any other relevant documents or information the
administrator believes will help resolve the complaint.

If the employee did not receive the relief requested at Level One or if the
time for a response has expired, the employee may request a conference
with the appropriate Administrative Council member or designee to appeal
the Level One decision.

The appeal notice must be filed in writing, on a form provided by the
College District, within ten days of the date of the written Level One
response or, if no response was received, within ten days of the Level One
response deadline.

After receiving notice of the appeal, the Level One administrator shall
prepare and forward a record of the Level One complaint to the Level Two
administrator. The employee may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.

2. All other documents submitted by the employee at Level One.

3. The written response issued at Level One and any attachments.

4. All other documents relied upon by the Level One administrator in
reaching the Level One decision.
The Level Two administrator shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents presented by the employee at Level One and identified in the Level Two appeal notice. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference.

The Level Two administrator shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level Two administrator may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Level Two administrator believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

If the employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee may request a conference with the College President or designee to appeal the Level Two decision.

The appeal notice must be filed in writing, on a form provided by the College District, within ten days after receipt of a response or, if no response was received, within ten days of the response deadline at Level Two.

After receiving notice of the appeal, the Level Two administrator shall prepare and forward a record of the Level Two complaint to the Level Three administrator. The employee may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The written response issued at Level Two and any attachments.
3. All other documents relied upon by the Level Two administrator in reaching the Level Two decision.

The Level Three administrator shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level Two. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level Two decision. The Level Three administrator or designee may set reasonable time limits for the conference.

The Level Three administrator shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level Three administrator may consider the Level One and Level Two records, information provided at the Level Three conference, and any other relevant
documents or information the Level Three administrator believes will help resolve the complaint.

Recordings of the Level One, Level Two, and Level Three conferences, if any, shall be maintained with the Level One, Level Two, and Level Three records.

If the employee did not receive the relief requested at Level Three or if the time for a response has expired, the employee may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the College District, within ten days after receipt of a response or, if no response was received, within ten days of the Level Three response deadline.

The College President or designee shall inform the employee of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The College President or designee shall provide the Board with a record of the Level Three complaint. The employee may request a copy of the Level Three record.

The Level Three record shall include:

1. The Level One record.
2. The Level Two record.
3. The written response issued at Level Three and any attachments.
4. All other documents relied upon by the Level Three administrator in reaching the Level Three decision.

The appeal shall be limited to the issues and documents considered at Level Three, except that if at the Level Four hearing the administration intends to rely on evidence not included in the Level Three record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

The College District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BD]

The presiding officer may set reasonable time limits and guidelines for the presentation including an opportunity for the employee and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Four presentation. The Level Four presentation, including the presentation by the employee or the employee’s representative, any presentation from the administration, and
questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Three.
Employee Conduct and Welfare

Standards of Conduct

Policy DH

All employees are expected to work together in a cooperative spirit to serve the best interests of the College and to be courteous to students, one another, and the public. Employees are expected to observe the following standards of conduct:

- Recognize and respect the rights of students, parents, other employees, and members of the community.
- Maintain confidentiality in all matters relating to students and coworkers.
- Report to work according to the assigned schedule.
- Notify their immediate supervisor in advance or as early as possible in the event that they must be absent or late. Unauthorized absences, chronic absenteeism, tardiness, and failure to follow procedures for reporting an absence may be cause for disciplinary action.
- Know and comply with department and College policies and procedures.
- Express concerns, complaints, or criticism through appropriate channels.
- Observe all safety rules and regulations and report injuries or unsafe conditions to a supervisor immediately.
- Use College time, funds, and property for authorized College business and activities only.

All employees should perform their duties in accordance with state and federal law, College policies and procedures, and ethical standards. Violation of policies, regulations, or guidelines may result in disciplinary action, including termination. The College holds all employees to the ethical standards expressed in the Texas Community College Teachers Association Code of Professional Ethics, which is reprinted below:

Texas Community College Teachers Association
Code of Professional Ethics
(Revised February 20, 1997)

- Professional Educators affirm the inherent worth and dignity of all persons and the right of all persons to learn. Learning best occurs in an environment devoted to the pursuit of truth, excellence, and liberty. These flourish where both freedom and responsibility are esteemed.

- In order to express more adequately the affirmation of our professional responsibilities, we, the members of the Texas Community College Teachers Association, do adopt, and hold ourselves and each other subject to, the following Code of Professional Ethics:

- The Professional Educator shall treat all persons with respect, dignity, and justice, discriminating against no one on any arbitrary basis such as ethnicity, creed, gender, disability, or age.
• The Professional Educator shall strive to help each student realize his or her full potential as a learner and as a human being.

• The Professional Educator shall by example and action encourage and defend the unfettered pursuit of truth by both colleagues* and students, supporting the free exchange of ideas, observing the highest standards of academic honesty and integrity, and seeking always an attitude of scholarly objectivity and tolerance of other viewpoints.

• The Professional Educator shall work to enhance cooperation and collegiality among students, faculty, administrators, and other personnel.

• The Professional Educator shall recognize and preserve the confidential nature of professional relationships, neither disclosing nor encouraging the disclosure of information or rumor which might damage or embarrass or violate the privacy of any other person.

• The Professional Educator shall maintain competence through continued professional development, shall demonstrate that competence through consistently adequate preparation and performance, and shall seek to enhance that competence by accepting and appropriating constructive criticism and evaluation.

• The Professional Educator shall make the most judicious and effective use of the College’s time and resources.

• The Professional Educator shall fulfill the employment agreement both in spirit and in fact, shall give reasonable notice upon resignation, and shall neither accept tasks for which he or she is not qualified nor assign tasks to unqualified persons.

• The Professional Educator shall support the goals and ideals of the college and shall act in public and private affairs in such a manner as to bring credit to the College.

• The Professional Educator shall not engage in sexual harassment of students or colleagues and shall adhere to the College’s policy on sexual conduct.

• The Professional Educator shall observe the stated policies and procedures of the College, reserving the right to seek revision in a judicious and appropriate manner.

• The Professional Educator shall participate in the governance of the College by accepting a fair share of committee and institutional responsibilities.

• The Professional Educator shall support the right of all colleagues to academic freedom and due process and defend and assist a professional colleague accused of wrongdoing, incompetence, or other serious offense so long as the colleague’s innocence may reasonably be maintained.

• The Professional Educator shall not support a colleague whose persistently unethical conduct or professional incompetence has been demonstrated through due process.

• The Professional Educator shall accept all rights and responsibilities of citizenship, always avoiding use of the privileges of his or her public position for private or partisan advantage.

*In this Code the term “colleague” refers to all persons employed by Colleges in the educational enterprise
Work Attire Guidelines

The following guidelines are established to assist employees in promoting a professional and safe working environment. The items listed as appropriate items are not required items but are items appropriate for business casual or summer casual. Please use discretion when deciding if the clothing item is appropriate. If there is a question, it is probably inappropriate.

Safety, security and facilities employees whom are uniformed are not subject to the work attire guidelines. At its discretion, a department may allow staff to dress in a more casual fashion than is normally required due to unusual weather or if the duties of the staff members warrant more casual attire.

<table>
<thead>
<tr>
<th>BUSINESS/SUMMER CASUAL</th>
<th>APPROPRIATE</th>
<th>INAPPROPRIATE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Jackets:</strong></td>
<td>Sport coats, blazers, casual or denim jackets.</td>
<td>Jackets:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ripped or frayed jackets.</td>
</tr>
<tr>
<td><strong>Dresses:</strong></td>
<td>Long, short or sleeveless.</td>
<td>Dresses:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dresses shorter than 2 inches above the knee.</td>
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<td></td>
<td></td>
<td>Sundresses and spaghetti straps are discouraged.</td>
</tr>
<tr>
<td><strong>Tops:</strong></td>
<td>Long or short-sleeved dress shirts for males.</td>
<td>Tops:</td>
</tr>
<tr>
<td></td>
<td>Long, short or sleeveless blouses or shells for females.</td>
<td>No T-shirts unless on a designated day.</td>
</tr>
<tr>
<td></td>
<td>Long or short-sleeved polo shirts preferably with MC logo.</td>
<td>No tops showing too much chest or visible cleavage.</td>
</tr>
<tr>
<td></td>
<td>Turtlenecks, oxford, button downs, sweaters and vests.</td>
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</tr>
<tr>
<td><strong>Bottoms:</strong></td>
<td>Dark black denim, dress slacks, khakis or chinos.</td>
<td>Bottoms:</td>
</tr>
<tr>
<td></td>
<td>Long or knee length skirts, knee length skorts, capri pants or shorts that</td>
<td>Skirts, shorts, skorts shorter than 2 inches above the knee or athletic workout pants.</td>
</tr>
<tr>
<td></td>
<td>are part of a suit for females. Leggings are appropriate, but should be</td>
<td></td>
</tr>
<tr>
<td></td>
<td>covered with a long tunic.</td>
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</tr>
<tr>
<td><strong>Shoes:</strong></td>
<td>Leather dress shoes, loafers, boat shoes and boots.</td>
<td>Shoes:</td>
</tr>
<tr>
<td></td>
<td>High or mid-heelled shoes or dress sandals, dressy flats, mules, or open</td>
<td>No rubber flip-flops, tennis shoes, Crocs or house shoes.</td>
</tr>
<tr>
<td></td>
<td>back shoes for females.</td>
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<tr>
<td></td>
<td>Orthopedic shoes with a doctor’s note.</td>
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<tr>
<td></td>
<td>Tennis shoes on casual days only.</td>
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</tr>
<tr>
<td><strong>Accessories:</strong></td>
<td>Ties, jewelry, scarves, leather or canvas belts, dress socks, and hosiery/leggings.</td>
<td>Accessories:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Caps/hats that are not part of MC uniform.</td>
</tr>
</tbody>
</table>

Relaxed Casual- Fridays during Fall and Spring semesters and Thursdays during summer hours are designated Relaxed Casual days. Attire for these days may include jeans or other attire approved as Business/Summer Casual. Appropriate attire with Midland College logo items are encouraged.
Fundraising

Policy CAM, See Appendix P

The Executive Director of Institutional Advancement/Midland College Foundation, Inc., in consultation with the College President, assesses and approves fundraising activities at Midland College to determine appropriateness and timing of each solicitation in light of institutional priorities and any known financial commitments by those considered to be potential donors. The Midland College Foundation has responsibility for the entire development process, including the identification, cultivation and solicitation of sources of potential financial support for Midland College, as well as the valuation, recording and acknowledgment of gifts received. See [Appendix P] for fundraising procedures and guidelines.

Discrimination, Harassment, and Retaliation

Policies DAA, DAAA, DH, DHC, DIAA, DIAB, FA, FFDA, FFDB

Employees shall not engage in prohibited discrimination, harassment, or retaliation, including sexual harassment and sexual violence, against other employees, prospective employees, former employees, unpaid interns or students. Employees also may not engage in prohibited discrimination, harassment, or retaliation against other persons including Board members, vendors, contractors, volunteers, or parents. A substantiated charge of harassment will result in disciplinary action, including termination.

Report of Action Targeting Employees. An employee who believes he or she or another employee has been discriminated or retaliated against or harassed is encouraged to promptly report such incidents to the employee’s supervisor, the Title IX coordinator, Natasha Morgan, Director of Human Resources/Payroll, 3600 N. Garfield, PAD 140, Midland, TX 79705, nmorgan@midland.edu, (432) 685-4534, or the College President. An employee is not required to report prohibited conduct to the person alleged to have committed it. If the supervisor or College official is the subject of a complaint, the complaint may be directed to the College President or designee. A complaint against the College President, as appropriate, may be made directly to the Board.

Allegations of prohibited discrimination, harassment, retaliation, including sexual harassment, may also be reported electronically through the College’s website at https://www.midland.edu/about/public-info/discrimination-form.php. An electronic report may be submitted anonymously.

The College’s policy that includes definitions and procedures for reporting and investigating discrimination, harassment, and retaliation is reprinted below:

POLICY DIAA(LOCAL)
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION
SEX AND SEXUAL VIOLENCE

Note: This policy addresses employee complaints of sex and gender discrimination, sexual harassment, sexual violence, and retaliation. For legally referenced material relating to this subject matter, see DAA(LEGAL). For sex discrimination, sexual harassment, sexual violence, and retaliation targeting students, see FFDA.
| Definitions | Solely for purposes of this policy, the term “employee” includes former employees, applicants for employment, and unpaid interns. |
| Statement of Nondiscrimination | The College District prohibits discrimination, including harassment, against any employee on the basis of sex or gender. Retaliation against anyone involved in the complaint process is a violation of College District policy. |
| Discrimination | Discrimination against an employee is defined as conduct directed at an employee on the basis of sex or gender that adversely affects the employee’s employment. |
| Sexual Harassment | Sexual harassment is a form of sex discrimination defined as unwelcome sexual advances; requests for sexual favors; sexually motivated physical, verbal, or nonverbal conduct; or other conduct or communication of a sexual nature when: |
| | 1. Submission to the conduct is either explicitly or implicitly a condition of an employee’s employment, or when submission to or rejection of the conduct is the basis for an employment action affecting the employee; or |
| | 2. The conduct is so severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with the employee’s work performance or creates an intimidating, threatening, hostile, or offensive work environment. |
| Sexual Violence | Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol or due to an intellectual or other disability. |
| Examples | Examples of sexual harassment may include sexual advances; touching intimate body parts; coercing or forcing a sexual act on another; jokes or conversations of a sexual nature; offensive or derogatory language directed at another person’s gender identity; and other sexually motivated conduct, communication, or contact. |
| Retaliation | The College District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation. |
| | An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding harassment or discrimination is subject to appropriate discipline. |
| Examples | Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance. |
| Prohibited Conduct | In this policy, the term “prohibited conduct” includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct. |
An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her immediate supervisor.

Alternatively, the employee may report the alleged acts to one of the College District officials below or electronically through the College District’s website.

For the purposes of this policy, College District officials are the Title IX coordinator and the College President.

Reports of discrimination based on sex, including sexual harassment, may be directed to the Title IX coordinator. The College District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: Natasha Morgan  
Position: Director of Human Resources/Payroll  
Address: 3600 N. Garfield  
PAD 104, Midland, TX 79705  
nmorgan@midland.edu  
Telephone: (432) 685-4534

The College President or designee shall serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.

An employee shall not be required to report prohibited conduct to the person alleged to have committed it. Reports concerning prohibited conduct, including reports against the Title IX coordinator, may be directed to the College President or designee.

A report against the College President may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the College District’s ability to investigate and address the prohibited conduct.

Any College District supervisor who receives a report of prohibited conduct shall immediately notify the appropriate College District official listed above and take any other steps required by this policy.

The College District may request, but shall not insist upon, a written report. If a report is made orally, the College District official shall reduce the report to written form.

Upon receipt or notice of a report, the College District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the College District official shall immediately authorize or undertake an investigation, regardless of whether
a criminal or regulatory investigation regarding the same or similar allegations is pending.

If the College District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other College District rules or regulations, the College District official shall refer the complaint for consideration under the appropriate policy.

If appropriate, the College District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

The investigation may be conducted by the College District official or a designee or by a third party designated by the College District, such as an attorney. When appropriate, the supervisor shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

**Concluding the Investigation**

Absent extenuating circumstances, the investigation should be completed within ten College District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall be filed with the College District official overseeing the investigation.

**College District Action**

If the results of an investigation indicate that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.

The College District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

**Confidentiality**

To the greatest extent possible, the College District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

**Appeal**

A party who is dissatisfied with the outcome of the investigation may appeal through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members]

The party may have a right to file a complaint with appropriate state or federal agencies.
### Records Retention
Retention of records shall be in accordance with the College District’s records retention procedures. [See CIA]

### Access to Policy, Procedures, and Related Materials
Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed annually to College District employees and students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the employee and student handbooks and other major College District publications. Information regarding the policy, procedures, and related materials shall also be prominently published on the College District’s website, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District’s administrative offices and shall be distributed to an employee who makes a report.

## POLICY DIAB(LOCAL)
### FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

### OTHER PROTECTED CHARACTERISTICS

**Note:** This policy addresses complaints of discrimination, harassment, and retaliation based on race, color, national origin, religion, age, or disability targeting employees. For legally referenced material relating to this subject matter, see DAA(LEGAL). For discrimination, harassment, and retaliation of students based on race, color, national origin, religion, age, or disability, see FFDB.

### Statement of Nondiscrimination
The College District prohibits discrimination, including harassment, against any employee on the basis of race, color, national origin, religion, age, disability, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of College District policy.

### Discrimination
Discrimination against an employee is defined as conduct directed at an employee on the basis of race, color, national origin, religion, age, disability, or any other basis prohibited by law, that adversely affects the employee’s employment.

### Harassment
Prohibited harassment of an employee is defined as physical, verbal, or nonverbal conduct based on an employee’s race, color, religion, national origin, age, disability, or any other basis prohibited by law, when the conduct is so severe, persistent, or pervasive that the conduct:

- Has the purpose or effect of unreasonably interfering with the employee’s work performance;

- Creates an intimidating, threatening, hostile, or offensive work environment; or

- Otherwise adversely affects the employee’s performance, environment, or employment opportunities.

### Examples
Examples of prohibited harassment may include offensive or derogatory language directed at another person’s religious beliefs or practices, accent,
skin color, or need for workplace accommodation; threatening or intimidating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other stereotypes; or other types of aggressive conduct such as theft or damage to property.

**Retaliation**

The College District prohibits retaliation against an employee who makes a claim alleging to have experienced discrimination or harassment, or another employee who, in good faith, makes a report, serves as a witness, or otherwise participates in an investigation.

An employee who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding harassment or discrimination is subject to appropriate discipline.

**Examples**

Examples of retaliation may include termination, refusal to hire, demotion, and denial of promotion. Retaliation may also include threats, unjustified negative evaluations, unjustified negative references, or increased surveillance.

**Prohibited Conduct**

In this policy, the term “prohibited conduct” includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

**Reporting Procedures**

An employee who believes that he or she has experienced prohibited conduct or believes that another employee has experienced prohibited conduct should immediately report the alleged acts. The employee may report the alleged acts to his or her immediate supervisor.

Alternatively, the employee may report the alleged acts to one of the College District officials below.

For the purposes of this policy, College District officials are the ADA/Section 504 coordinator and the **College President**.

**Definition of College District Officials**

The College District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands upon the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

**ADA / Section 504 Coordinator**

Director of Human Resources/Payroll3600 N. Garfield
PAD 104, Midland, TX 79705 nmorgan@midland.edu (432) 685-4534

The College President or designee shall serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.

**Alternative Reporting Procedures**

An employee shall not be required to report prohibited conduct to the person alleged to have committed it. Reports concerning prohibited conduct, including reports against the ADA/Section 504 coordinator, may be directed to the **College President** or designee.

A report against the **College President** may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.
Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to promptly report may impair the College District’s ability to investigate and address the prohibited conduct.

Any College District supervisor who receives a report of prohibited conduct shall immediately notify the appropriate College District official listed above and take any other steps required by this policy.

The College District may request, but shall not insist upon, a written report. If a report is made orally, the College District official shall reduce the report to written form.

Upon receipt or notice of a report, the College District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the College District official shall immediately authorize or undertake an investigation, regardless of whether a criminal or regulatory investigation regarding the same or similar allegations is pending.

If the College District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other College District rules or regulations, the College District official shall refer the complaint for consideration under the appropriate policy.

If appropriate, the College District shall promptly take interim action calculated to prevent prohibited conduct during the course of an investigation.

The investigation may be conducted by the College District official or a designee or by a third party designated by the College District, such as an attorney. When appropriate, the supervisor shall be involved in or informed of the investigation.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

Absent extenuating circumstances, the investigation should be completed within ten College District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall be filed with the College District official overseeing the investigation.

If the results of an investigation indicate that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct.
The College District may take action based on the results of an investigation, even if the conduct did not rise to the level of prohibited or unlawful conduct.

Confidentiality

To the greatest extent possible, the College District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Appeal

A party who is dissatisfied with the outcome of the investigation may appeal through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members]

The party may have a right to file a complaint with appropriate state or federal agencies.

Records Retention

Retention of records shall be in accordance with the College District’s records retention procedures. [See CIA]

Access to Policy, Procedures, and Related Materials

Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed annually to College District employees and students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the employee and student handbooks and other major College District publications. Information regarding the policy, procedures, and related materials shall also be prominently published on the College District’s website, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District’s administrative offices and shall be distributed to an employee who makes a report.

Report of Actions Targeting Students. Employees who suspect a student may have experienced prohibited discrimination, harassment, or retaliation are obligated to report their concerns to an appropriate College official. An employee who does not meet the description of a responsible employee may alternatively submit a report of sexual harassment, sexual assault, domestic violence, or stalking electronically through the College’s website at https://www.midland.edu/about/public-info/discrimination-form.php. An electronic report may be submitted anonymously. All allegations will promptly be investigated. An employee who knows of or suspects child abuse must also report his or her knowledge or suspicion to the appropriate authorities, as required by law. See Reporting Suspected Child Abuse, for additional information.

The College’s policy that includes definitions and procedures for reporting and investigating harassment of students is reprinted below:
**Note:** This policy addresses complaints of sex discrimination, sexual harassment, sexual assault, and retaliation targeting students. For legally referenced material relating to discrimination, harassment, and retaliation, see FA(LEGAL). For sex discrimination, sexual harassment, sexual assault, and retaliation targeting employees, see DIAA.

**Statement of Nondiscrimination**
The College District prohibits discrimination, including harassment, against any student on the basis of sex or gender. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

**Discrimination**
Discrimination against a student is defined as conduct directed at a student on the basis of sex or gender that adversely affects the student.

**Sexual Harassment**

**By an Employee**
A College District employee causes the student to believe that the student must submit to the conduct in order to participate in a school program or activity, or that the employee will make an educational decision based on whether or not the student submits to the conduct; or

The conduct is so severe, persistent, or pervasive that it limits or denies the student’s ability to participate in or benefit from the College District’s educational program.

**By Others**
Sexual harassment of a student, including harassment committed by another student, includes unwelcome sexual advances; requests for sexual favors; or sexually motivated physical, verbal, or nonverbal conduct when the conduct is so severe, persistent, or pervasive that it limits or denies a student’s ability to participate in or benefit from the College District’s educational program.

**Sexual Violence**
Sexual violence is a form of sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent due to the victim’s use of drugs or alcohol or due to an intellectual or other disability.

**Examples**
Examples of sexual harassment of a student may include sexual advances; touching intimate body parts or coercing physical contact that is sexual in nature; jokes or conversations of a sexual nature; rape; sexual assault; sexual battery; sexual coercion; and other sexually motivated conduct, communications, or contact.

Physical contact not reasonably construed as sexual in nature is not sexual harassment.
Gender-Based Harassment

Gender-based harassment includes physical, verbal, or nonverbal conduct based on the student’s gender, the student’s expression of characteristics perceived as stereotypical for the student’s gender, or the student’s failure to conform to stereotypical notions of masculinity or femininity. For purposes of this policy, gender-based harassment is considered prohibited harassment if the conduct is so severe, persistent, or pervasive that the conduct limits or denies a student’s ability to participate in or benefit from the College District’s educational program.

Examples

Examples of gender-based harassment directed against a student, regardless of the student’s or the harasser’s actual or perceived sexual orientation or gender identity, may include offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; threatening or intimidating conduct; or other kinds of aggressive conduct such as theft or damage to property.

Retaliation

The College District prohibits retaliation by a student or College District employee against a student alleged to have experienced discrimination or harassment or another student who, in good faith, makes a report of harassment or discrimination, serves as a witness, or otherwise participates in an investigation.

Examples

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

False Claims

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding discrimination or harassment shall be subject to appropriate disciplinary action.

Prohibited Conduct

In this policy, the term “prohibited conduct” includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

Reporting Procedures

For purposes of this policy, a “responsible employee” is an employee:

1. Who has the authority to remedy prohibited conduct;
2. Who has been given the duty of reporting incidents of prohibited conduct; or
3. Whom a student reasonably believes has the authority to remedy prohibited conduct or has been given the duty of reporting incidents of prohibited conduct.

The College District designates the following persons as responsible employees: any instructor, any administrator, or any College District official defined below.

Student Report

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a responsible employee or submit the report electronically through the College District’s
website. The submission of an anonymous electronic report may impair the College District’s ability to investigate and address the prohibited conduct.

**Employee Report**

Any College District employee who suspects and any responsible employee who receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate College District official listed in this policy and shall take any other steps required by this policy. An employee who does not meet the description of a responsible employee in accordance with this policy may alternatively submit the report electronically via the College District’s website.

**Exceptions**

A person who holds a professional license requiring confidentiality, such as a counselor, or who is supervised by such a person shall not be required to disclose a report of prohibited conduct without the student’s consent.

A person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source shall not be required to disclose information regarding an incident of prohibited conduct that constitutes personally identifiable information about a student or other information that would indicate the student’s identity without the student’s consent, unless the person is disclosing information as required for inclusion in the College District’s annual security report under the Clery Act [see GCC].

**Definition of College District Officials**

For the purposes of this policy, College District officials are the Title IX coordinator and the College President.

**Title IX Coordinator**

Reports of discrimination based on sex, including sexual harassment or gender-based harassment, may be directed to the Title IX coordinator. The College District designates the following person to coordinate its efforts to comply with Title IX of the Education Amendments of 1972, as amended:

Name: Tana Baker  
Position: Title IX Coordinator / Compliance Officer  
Address: 3600 N. Garfield, Scharbauer Student Center, Room 242, Midland, TX  79705  
Telephone: (432) 685-4781

**Other Anti-discrimination Laws**

The College President or designee shall serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.

**Alternative Reporting Procedures**

A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the Title IX coordinator, may be directed to the College President.

A report against the College President may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

**Timely Reporting**

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the College District’s ability to investigate and address the prohibited conduct.
<table>
<thead>
<tr>
<th>Investigation of the Report</th>
<th>The College District may request, but shall not require, a written report. If a report is made orally, the College District official shall reduce the report to written form.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Assessment</td>
<td>Upon receipt or notice of a report, the College District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the College District official shall immediately notify the parties to the complaint of the allegations and the formal and informal options for resolution of the complaint. If the College District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other College District rules or regulations, the College District official shall refer the complaint for consideration under the appropriate policy.</td>
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<tr>
<td>Informal Resolution</td>
<td>If the parties voluntarily agree to participate in informal resolution of the complaint, the College District official shall determine if informal resolution is appropriate for the complaint. If the official determines that informal resolution is appropriate, then the official may facilitate that resolution. If the official does not determine informal resolution to be appropriate, then the complaint will be subject to the formal resolution process.</td>
</tr>
<tr>
<td>Formal Resolution</td>
<td>If any of the parties decline to participate in informal resolution of the complaint or the College District official finds informal resolution of the complaint to be inappropriate, the College District official shall authorize or undertake an investigation, except as provided below at Criminal Investigation.</td>
</tr>
<tr>
<td>Interim Action</td>
<td>If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the College District shall promptly take interim action calculated to address prohibited conduct prior to the completion of the College District’s investigation.</td>
</tr>
<tr>
<td>College District Investigation</td>
<td>The investigation may be conducted by the College District official or a designee or by a third party designated by the College District, such as an attorney. The investigator shall have received appropriate training regarding the issues related to the complaint and the relevant College District’s policy and procedures.</td>
</tr>
<tr>
<td></td>
<td>The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.</td>
</tr>
<tr>
<td>Criminal Investigation</td>
<td>If a law enforcement or regulatory agency notifies the College District that a criminal or regulatory investigation has been initiated, the College District shall confer with the agency to determine if the College District’s investigation would impede the criminal or regulatory investigation. The College District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has completed gathering its evidence, the College District shall promptly resume its investigation.</td>
</tr>
</tbody>
</table>
Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the College District to delay its investigation, the investigation should be completed within ten College District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall be filed with the College District official overseeing the investigation.

The College District shall provide written notice of the outcome, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the victim and the person against whom the complaint is filed. The parties shall be given the opportunity to respond to the report.

The College District shall determine, based on the results of the investigation, whether each individual allegation of misconduct occurred using a preponderance of the evidence standard. If the results of an investigation indicate that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct, in accordance with College District policy and procedures. [See FM and FMA]

Examples of corrective action may include:

- Providing a training program for those involved in the complaint;
- Providing a comprehensive education program for the College District community;
- Providing counseling for the victim and the student who engaged in prohibited conduct;
- Permitting the victim or student engaged in the prohibited conduct to drop a course in which they both are enrolled without penalty;
- Conducting follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred;
- Involving students in efforts to identify problems and improve the College District climate;
- Increasing staff monitoring of areas where prohibited conduct has occurred; and
- Reaffirming the College District’s policy against discrimination and harassment.

The College District shall minimize attempts to require a student who complains of sexual harassment to resolve the problem directly with the person who engaged in the harassment; however, if that is the most appropriate resolution method, the College District shall be involved in an appropriate manner.

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct, the College District may take disciplinary action in accordance with College District policy and procedures or other corrective action reasonably calculated to address the conduct.

To the greatest extent possible, the College District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses.
Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

**Appeal**
A party who is dissatisfied with the outcome of the investigation may appeal through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members] A party shall be informed of his or her right to file a complaint with the U.S. Department of Education Office for Civil Rights.

**Records Retention**
Retention of records shall be in accordance with the College District’s records retention procedures. [See CIA]

**Access to Policy, Procedures, and Related Materials**
Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed annually to College District employees and students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the employee and student handbooks and other major College District publications. Information regarding the policy, procedures, and related materials shall also be prominently published on the College District’s website, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District’s administrative offices and shall be distributed to a student who makes a report.

**POLICY FFDB(LOCAL)**
**FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION**
**OTHER PROTECTED CHARACTERISTICS**

*Note:* This policy addresses complaints of discrimination, harassment, and retaliation based on race, color, national origin, religion, age, or disability targeting students. For legally referenced material relating to this subject matter, see FA(LEGAL). For discrimination, harassment, and retaliation targeting employees based on race, color, national origin, religion, age, or disability, see DIAB.

**Statement of Nondiscrimination**
The College District prohibits discrimination, including harassment, against any student on the basis of race, color, national origin, disability, religion, age, or any other basis prohibited by law. Retaliation against anyone involved in the complaint process is a violation of College District policy and is prohibited.

**Discrimination**
Discrimination against a student is defined as conduct directed at a student on the basis of race, color, national origin, disability, religion, age, or on any other basis prohibited by law, that adversely affects the student.

**Prohibited Harassment**
Prohibited harassment of a student is defined as physical, verbal, or nonverbal conduct based on the student’s race, color, religion, national origin, disability, age, or any other basis prohibited by law that is so severe,
persistent, or pervasive that the conduct limits or denies a student’s ability to participate in or benefit from the College District’s educational program.

Examples

Examples of prohibited harassment may include offensive or derogatory language directed at another person’s religious beliefs or practices, accent, skin color, or need for accommodation; threatening, intimidating, or humiliating conduct; offensive jokes, name-calling, slurs, or rumors; physical aggression or assault; display of graffiti or printed material promoting racial, ethnic, or other negative stereotypes; or other kinds of aggressive conduct such as theft or damage to property.

Retaliation

The College District prohibits retaliation by a student or College District employee against a student alleged to have experienced discrimination or harassment or another student who, in good faith, makes a report of harassment or discrimination, serves as a witness, or otherwise participates in an investigation.

Examples

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

False Claims

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a College District investigation regarding discrimination or harassment shall be subject to appropriate disciplinary action.

Prohibited Conduct

In this policy, the term “prohibited conduct” includes discrimination, harassment, and retaliation as defined by this policy, even if the behavior does not rise to the level of unlawful conduct.

Reporting Procedures

Student Report

Any student who believes that he or she has experienced prohibited conduct or believes that another student has experienced prohibited conduct should immediately report the alleged acts to a responsible employee.

Employee Report

Any College District employee who suspects and any responsible employee who receives notice that a student or group of students has or may have experienced prohibited conduct shall immediately notify the appropriate College District official listed in this policy and shall take any other steps required by this policy.

Exceptions

A person who holds a professional license requiring confidentiality, such as a counselor, or who is supervised by such a person shall not be required to disclose a report of prohibited conduct without the student’s consent.

A person who is a nonprofessional counselor or advocate designated in administrative procedures as a confidential source shall not be required to disclose information regarding an incident of prohibited conduct that constitutes personally identifiable information about a student or other information that would indicate the student’s identity without the student’s consent, unless the person is disclosing information as required for inclusion in the College District’s annual security report under the Clery Act. [See GCC]
For purposes of this policy, a “responsible employee” is an employee:

1. Who has the authority to remedy prohibited conduct.
2. Who has been given the duty of reporting incidents of prohibited conduct.
3. Whom a student reasonably believes has the authority to remedy prohibited conduct or has been given the duty of reporting incidents of prohibited conduct.

The College District designates the following persons as responsible employees: any instructor, any administrator, or any College District official defined below.

### Definition of College District Officials

For the purposes of this policy, College District officials are the ADA/Section 504 coordinator and the College President.

**ADA / Section 504 Coordinator**

Reports of discrimination based on disability may be directed to the ADA/Section 504 coordinator. The College District designates the following person to coordinate its efforts to comply with Title II of the Americans with Disabilities Act of 1990, as amended, which incorporates and expands the requirements of Section 504 of the Rehabilitation Act of 1973, as amended:

Name: Tana Baker  
Position: Title IX Coordinator / Compliance Officer  
Address: 3600 N. Garfield, Scharbauer Student Center, Room 242, Midland, TX 79705  
Telephone: (432) 685-4781

**Other Anti-discrimination Laws**

The College President or designee shall serve as coordinator for purposes of College District compliance with all other antidiscrimination laws.

### Alternative Reporting Procedures

A student shall not be required to report prohibited conduct to the person alleged to have committed the conduct. Reports concerning prohibited conduct, including reports against the ADA/Section 504 coordinator, may be directed to the College President.

A report against the College President may be made directly to the Board. If a report is made directly to the Board, the Board shall appoint an appropriate person to conduct an investigation.

### Timely Reporting

Reports of prohibited conduct shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the College District’s ability to investigate and address the prohibited conduct.

### Investigation of the Report

The College District may request, but shall not require, a written report. If a report is made orally, the College District official shall reduce the report to written form.

### Initial Assessment

Upon receipt or notice of a report, the College District official shall determine whether the allegations, if proven, would constitute prohibited conduct as defined by this policy. If so, the College District official shall immediately authorize or undertake an investigation, except as provided below at Criminal Investigation.
If the College District official determines that the allegations, if proven, would not constitute prohibited conduct as defined by this policy but may constitute a violation of other College District rules or regulations, the College District official shall refer the complaint for consideration under the appropriate policy.

**Interim Action**

If appropriate and regardless of whether a criminal or regulatory investigation regarding the alleged conduct is pending, the College District shall promptly take interim action calculated to address prohibited conduct prior to the completion of the College District’s investigation.

**College District Investigation**

The investigation may be conducted by the College District official or a designee or by a third party designated by the College District, such as an attorney. The investigator shall have received appropriate training regarding the issues related to the complaint and the relevant College District’s policy and procedures.

The investigation may consist of personal interviews with the person making the report, the person against whom the report is filed, and others with knowledge of the circumstances surrounding the allegations. The investigation may also include analysis of other information or documents related to the allegations.

**Criminal Investigation**

If a law enforcement or regulatory agency notifies the College District that a criminal or regulatory investigation has been initiated, the College District shall confer with the agency to determine if the College District’s investigation would impede the criminal or regulatory investigation. The College District shall proceed with its investigation only to the extent that it does not impede the ongoing criminal or regulatory investigation. After the law enforcement or regulatory agency has completed gathering its evidence, the College District shall promptly resume its investigation.

**Concluding the Investigation**

Absent extenuating circumstances, such as a request by a law enforcement or regulatory agency for the College District to delay its investigation, the investigation should be completed within ten College District business days from the date of the report; however, the investigator shall take additional time if necessary to complete a thorough investigation.

The investigator shall prepare a written report of the investigation. The report shall be filed with the College District official overseeing the investigation.

**Notification of the Outcome**

The College District shall provide written notice of the outcome, within the extent permitted by the Family Educational Rights and Privacy Act (FERPA) or other law, to the victim and the person against whom the complaint is filed.

**College District Action**

If the results of an investigation indicate that prohibited conduct occurred, the College District shall promptly respond by taking appropriate disciplinary or corrective action reasonably calculated to address the conduct, in accordance with College District policy and procedures [see FM and FMA].

**Corrective Action**

Examples of corrective action may include a training program for those involved in the complaint, a comprehensive education program for the
College District community, counseling for the victim and the student who engaged in prohibited conduct, follow-up inquiries to determine if any new incidents or any instances of retaliation have occurred, involving students in efforts to identify problems and improve the College District climate, increasing staff monitoring of areas where prohibited conduct has occurred, and reaffirming the College District’s policy against discrimination and harassment.

Improper Conduct

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct, the College District may take disciplinary action in accordance with College District policy and procedures or other corrective action reasonably calculated to address the conduct.

Confidentiality

To the greatest extent possible, the College District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation and comply with applicable law.

Appeal

A party who is dissatisfied with the outcome of the investigation may appeal through the applicable grievance policy beginning at the appropriate level. [See DGBA(LOCAL) for employees, FLD(LOCAL) for students, and GB(LOCAL) for community members] A party shall be informed of his or her right to file a complaint with the U.S. Department of Education Office for Civil Rights.

Records Retention

Retention of records shall be in accordance with the College District’s records retention procedures. [See CIA]

Access to Policy, Procedures, and Related Materials

Information regarding this policy and any accompanying procedures, as well as relevant educational and resource materials concerning the topics discussed in this policy, shall be distributed annually to College District employees and students in compliance with law and in a manner calculated to provide easy access and wide distribution, such as through electronic distribution and inclusion in the employee and student handbooks and other major College District publications. Information regarding the policy, procedures, and related materials shall also be prominently published on the College District’s website, taking into account applicable legal requirements. Copies of the policy and procedures shall be readily available at the College District’s administrative offices and shall be distributed to a student who makes a report.

Reporting Suspected Child Abuse

Policies DH, DHC

All employees are required by state law to report any suspected child abuse or neglect, as defined by Texas Family Code §26.001, to a local or state law enforcement agency, Department of Family and Protective Services, or appropriate state agency (e.g., state agency operating, licensing, certifying, or registering a facility in which the abuse occurred) within 48 hours of the event that led to the suspicion.

Employees are also required to make a report if they have cause to believe that an adult was a victim of abuse or neglect as a child and they determine in good faith that the disclosure of the
information is necessary to protect the health and safety of another child, elderly person, or person with a disability.

Reports to the Department of Family and Protective Services can be made to the Texas Abuse Hotline at 800-252-5400 or, if not urgent, on the web at https://www.txabusehotline.org. An employee’s failure to make the required report may result in prosecution as a Class A misdemeanor. An employee may not delegate to or rely on another person or administrator to make the report.

Under state law, any person reporting or assisting in the investigation of reported child abuse or neglect is immune from liability unless the report is made in bad faith or with malicious intent. In addition, the College is prohibited from retaliating against an employee who, in good faith, reports child abuse or neglect or who participates in an investigation regarding an allegation of child abuse or neglect.

Employees who suspect that a child has been or may be abused or neglected should also report their concerns to Tana Baker, Title IX Coordinator/Compliance Officer, Scharbauer Student Center, Room 242, Midland, TX 79705, tbaker@midland.edu, (432) 685-4781. This includes students with disabilities who are no longer minors. Employees are not required to report their concern to Tana Baker, the Title IX Coordinator/Compliance Officer before making a report to the appropriate agency.

Reporting the concern to Tana Baker, the Title IX Coordinator/Compliance Officer does not relieve the employee of the requirement to report it to the appropriate state agency. In addition, employees must cooperate with investigators of child abuse and neglect. Interference with a child abuse investigation is prohibited.

The College has established a plan for addressing sexual abuse and other maltreatment of children, which may be reported electronically via Midland College’s website https://www.midland.edu/about/public-info/discrimination-form.php. As an employee, it is important for you to be aware of warning signs that could indicate a child may have been or is being sexually abused or maltreated. Sexual abuse in the Texas Family Code is defined as any sexual conduct harmful to a child’s mental, emotional, or physical welfare as well as a failure to make a reasonable effort to prevent sexual conduct with a child. Maltreatment is defined as abuse or neglect. Anyone who suspects that a child has been or may be abused or neglected has a legal responsibility under state law for reporting the suspected abuse or neglect to law enforcement or to Family and Protective Services.

Employees are required to follow the procedures described above.

Reporting Crime

Policy DG

The Texas Whistleblower Act protects College employees who make good faith reports of violations of law by the College to an appropriate law enforcement authority. The College is prohibited from suspending, terminating the employment of, or taking other adverse personnel action against, an employee who makes a report under the Act. An appropriate law enforcement authority is part of a federal, state, or local governmental entity that the employee in good faith
believes is authorized to regulate under or enforce the law alleged to be violated or to investigate or prosecute a crime.

**Technology Resources**

*Policy CR*

The College’s technology resources, including its networks, computer systems, e-mail accounts, devices connected to its networks, and all College-owned devices used on or off College property, are primarily for administrative and instructional purposes. Limited personal use is permitted if the use:

- Imposes no tangible cost to the College.
- Does not unduly burden the College’s computer or network resources.
- Has no adverse effect on job performance or on a student’s academic performance.

Electronic mail transmissions and other use of College technology resources are not confidential and can be monitored at any time to ensure appropriate use.

Employees are required to abide by the provisions of the acceptable use agreement and administrative procedures. Failure to do so can result in suspension of access or termination of privileges and may lead to disciplinary and legal action. Employees with questions about computer use and data management can contact the Information Technology department.

**Personal Use of Electronic Media**

*Policy CR, DH*

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), web logs (blogs), wikis, electronic forums (chat rooms), video-sharing websites (e.g., YouTube), editorial comments posted on the Internet, and social network sites (e.g., Facebook, Twitter, LinkedIn, Instagram). Electronic media also includes all forms of telecommunication such as landlines, cell phones, and web-based applications.

Employees are responsible for their public conduct even when they are not acting as College employees. Employees will be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee’s use of electronic media interferes with the employee’s ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment. If an employee wishes to use a social network site or similar media for personal purposes, the employee is responsible for the content on the employee’s page, including content added by the employee, the employee’s friends, or members of the public who can access the employee’s page, and for web links on the employee’s page. The employee is also responsible for maintaining privacy settings appropriate to the content.

An employee who uses electronic media for personal purposes shall observe the following:

- The employee may not set up or update the employee’s personal social network page(s) using the College’s computers, network, or equipment.
• The employee shall limit use of personal electronic communication devices to send or receive calls, text messages, pictures, and videos to breaks, meal times, and before and after scheduled work hours, unless there is an emergency or the use is authorized by a supervisor to conduct College business.

• The employee shall not use the College’s logo or other copyrighted material of the College without express, written consent.

• An employee may not share or post, in any format, information, videos, or pictures obtained while on duty or on College business unless the employee first obtains written approval from the employee's immediate supervisor. Employees should be cognizant that they have access to information and images that, if transmitted to the public, could violate privacy concerns.

• The employee continues to be subject to applicable state and federal laws, local policies, administrative regulations, and the Texas Community College Teachers Association Code of Professional Ethics, even when communicating regarding personal and private matters, regardless of whether the employee is using private or public equipment, on or off campus. These restrictions include:
  - Confidentiality of student records [See Policy FJ]
  - Confidentiality of health or personnel information concerning colleagues, unless disclosure serves lawful professional purposes or is required by law [See Policy DBA]
  - Confidentiality of College records, including private e-mail addresses. [See Policy GCA]
  - Intellectual property [See Policy CT]
  - Prohibition on the disclosure of information or rumor which might damage or embarrass or violate the privacy of any other person. [See Policy DH (EXHIBIT)]

**Web Presence**

*Policy CR*

External websites and new domains and sub-domains must be approved by the appropriate Administrative Council member and the Vice-President of Information Technology. All domains must be registered through the Information Technology department and maintained by the Webmaster.

New social media accounts must be approved by the Director of Marketing and Communications before they are created. A designated Marketing and Communications representative must have access to all accounts.

**Records Retention**

*Policy CIA*

Employees must retain local government records for the appropriate retention period, which varies depending on the category of record (i.e., the content contained in that individual e-mail message) described in the College’s records retention schedule. *Local government record* means
any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a local government or any of its officers or employees pursuant to law, including an ordinance, or in the transaction of public business. The determination of which category of record applies must be made on a case-by-case basis. If the contents of the record fall in more than one category in the records retention schedule and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A copy of the College’s records retention may be obtained from the Vice President of Administrative Services.

**Criminal History Background Checks and Other Background Searches**

*Policy DC, See Appendix Q*

Employees will be subject to a review of their criminal history record information annually and at any time during employment. Additional background searches may also be required (i.e., consumer reports background investigation, driver record checks) if applicable to the position held. See [Appendix K] additional information on Criminal History Background Checks.

**Driver Eligibility**

*Policy DC, See Appendix R – Driver Record Check Form*

Only properly authorized employees and students may operate College-owned, leased, or rented vehicles for official College business. This regulation does not apply to the operation of golf carts.

Authorized drivers (employees and students) will be identified in the College Authorized Driver List maintained by Human Resources/Payroll department. Driving privileges for operating College vehicles (owned, leased, rented or personally owned and being used for College related business) may be revoked for poor driving records or failure to comply with College policies and administrative regulations.

*Note: It is the personal obligation of the owner of any vehicle, when used for College related business travel and for the protection of the traveler and any passengers, to carry automobile liability insurance.*

Any authorized driver of a College vehicle shall, at all times, hold a valid eligible Texas Driver license unless the employee is a resident of another state or the driver moves from another state and is within the first 90 days of Texas residency. A three-year driving history will be obtained.

Individuals with poor driving records will not be permitted to drive College-owned vehicles or personal vehicles when performing duties on behalf of the College.

Drivers with poor driving records would include those with the following:

a) Any conviction for an alcohol and/or drug related driving offense;

b) Conviction for refusal to submit to a Blood Alcohol Content (BAC) test;

c) Conviction for reckless driving;
d) Any combination of convictions for three or more moving violations, “At Fault Accidents”, or “Preventable Accidents”;

e) Suspension, revocation or administrative restriction on the driver license;

f) Conviction for leaving the scene of an accident as defined by state laws;

g) Conviction for at fault in a fatal accident;

h) Conviction for fleeing or evading police;

i) Conviction for felony committed involving a vehicle;

j) Three or more “College Vehicle” physical damage claims in any twelve-month period.

A properly completed Authorization and Acknowledgement Form for Driver Record Check and valid driver license (a photocopy of the driver license will not be accepted) must be submitted to the Human Resources/Payroll department to be named on the Authorized Driver List. An additional authorization form is required for out of state driver licenses. For states that the College is not authorized to obtain a driver record, the employee or student will be required to obtain a driver record check and submit it to the Human Resources/Payroll department. Notification of approval or denial will normally be sent within three business days after receipt and review of form and physical license. Please note: out of state driver records checks may take longer.

Subsequent driver record checks will be required annually or upon expiration of the employee or student’s driver license or more frequently if the Director of Human Resources/Payroll or designee determines that a more frequent check is necessary.

**Employee Arrests and Convictions**

*Policy DH*

An employee must notify the Director of Human Resources/Payroll within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of any felony or offense involving moral turpitude.

Moral turpitude includes, but is not limited to the following:

- Dishonesty, fraud, deceit, theft, or misrepresentation;
- Deliberate violence;
- Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
- Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
- Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or
- Acts constituting abuse under the Texas Family Code.
Alcohol and Drug-Abuse Prevention

Policies DH, DI

Midland College is committed to maintaining an alcohol- and drug-free environment and will not tolerate the manufacture, possession, distribution, dispensation, or use of alcohol and illegal drugs in the workplace and at College-related or College-sanctioned activities on or off College property unless it is a College function at which the College President has authorized the serving and consumption of alcohol, which the Board has authorized the College President to permit at appropriate College functions. Employees, who use or are under the influence of alcohol or illegal drugs as defined by the Texas Controlled Substances Act during working hours, may be dismissed. The College’s policy regarding employee drug use follows:

POLICY DH(LOCAL)
EMPLOYEE STANDARDS OF CONDUCT

All College District employees shall perform their duties in accordance with state and federal law, College District policy, and ethical standards.

All College District personnel shall recognize and respect the rights of students, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the College District.

Employees wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

Ethical Standards

The College District holds all employees to the ethical standards expressed in the Texas Community College Teachers Association Code of Professional Ethics (PDF).

Violations

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

Electronic Media

Electronic media includes all forms of social media, such as text messaging, instant messaging, electronic mail (e-mail), web logs (blogs), electronic forums (chat rooms), video-sharing websites, editorial comments posted on the Internet, and social network sites. Electronic media also includes all forms of telecommunication, such as landlines, cell phones, and web-based applications.

Record Retention

An employee shall comply with the College District’s requirements for records retention and destruction to the extent those requirements apply to electronic media. [See CIA]

Personal Use

Employees shall be held to the same professional standards in their public use of electronic media as they are for any other public conduct. If an employee’s use of electronic media violates state or federal law, or College District policy, or interferes with the employee’s ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.
Safety Requirements

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

Tobacco and E-cigarettes

An employee shall not use tobacco products or e-cigarettes on College District property outside of approved areas, in College District vehicles, or at College District-related activities, unless authorized by the College President or designee.

"E-cigarette" means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term does not include a prescription medical device unrelated to the cessation of smoking. The term includes:

A device described by this definition regardless of whether the device is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description; and

A component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

Alcohol and Drugs

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

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

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.

2. Alcohol or any alcoholic beverage.

3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.

4. Any other intoxicant, or mood-changing, mind-altering, or behavior-altering drugs.

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

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee’s job responsibilities;

2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee’s personal use;

3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee’s child or other individual for whom the employee is a legal guardian;
4. Consumes alcoholic beverages at a College District function at which the College President has authorized the serving and consumption of alcohol, which the Board has authorized the College President to permit at appropriate College District functions.

Notice
Each employee shall be given a copy of the College District’s notice regarding a drug-free workplace. [See DI(EXHIBIT)]

Arrests, Indictments, Convictions, and Other Adjudications
An employee shall notify the Director of Human Resources/Payroll within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony or offense involving moral turpitude.

Moral Turpitude
Moral turpitude includes but is not limited to:

1. Dishonesty, fraud, deceit, theft, or misrepresentation;
2. Deliberate violence;
3. Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
4. Felony possession, transfer, sale, distribution, or conspiracy to possess, transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
5. Acts constituting public intoxication, operating a motor vehicle while under the influence of alcohol, or disorderly conduct, if any two or more acts are committed within any 12-month period; or

POLICY DI(LOCAL)
EMPLOYEE WELFARE

Drug-Free Awareness Program
The College District shall maintain a drug-free environment and shall establish, as needed, a drug-free awareness program complying with federal requirements. [See DH] The program shall provide applicable information to employees in the following areas:

1. The dangers of drug use and abuse in the workplace.
2. The College District’s policy of maintaining a drug-free environment. [See DH(LOCAL)]
3. Drug counseling, rehabilitation, and employee assistance programs that are available in the community, if any.
4. The penalties that may be imposed on employees for violation of drug use and abuse prohibitions.

Employee Responsibility
All fees or charges associated with drug/alcohol abuse counseling or rehabilitation shall be the responsibility of the employee.
Drug-Free Workplace Notice

The college district prohibits the unlawful manufacture, distribution, dispensation, possession, or use of controlled substances, illegal drugs, inhalants, and alcohol in the workplace.

Employees who violate this prohibition will be subject to disciplinary sanctions. Sanctions may include:

- Referral to drug and alcohol counseling or rehabilitation programs;
- Referral to employee assistance programs;
- Termination from employment with the college district; and
- Referral to appropriate law enforcement officials for prosecution.

As a condition of employment, an employee must:

- Abide by the terms of this notice; and
- Notify the college president, in writing, if the employee is convicted for a violation of a criminal drug statute occurring in the workplace. The employee must provide the notice in accordance with college district policy.

This notice complies with the requirements of the federal Drug-Free Workplace Act (41 U.S.C. 8103).

Tobacco Products and E-Cigarette Use

Policies DH, GDA

The College prohibits smoking, using tobacco products, or e-cigarettes on all College-owned property outside of approved areas, in College vehicles, and at College-related activities. This includes all buildings, parking facilities, and facilities used for athletics and other activities. E-cigarette means an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device. The term does not include a prescription medical device unrelated to the cessation of smoking but does include a component, part, or accessory for the device.

Fraud and Financial Impropriety

Policy CDE

All employees should act with integrity and diligence in duties involving the College’s financial resources. The College prohibits fraud and financial impropriety, as defined below. Fraud and financial impropriety include the following:

- Forgery or unauthorized alteration of any document or account belonging to the College.
- Forgery or unauthorized alteration of a check, bank draft, or any other financial document.
- Misappropriation of funds, securities, supplies, or other College assets including employee time
- Impropriety in the handling of money or reporting of College financial transactions.
• Profiteering as a result of insider knowledge of College information or activities.
• Unauthorized disclosure of confidential or proprietary information to outside parties.
• Unauthorized disclosure of investment activities engaged in or contemplated by the College.
• Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the College, except as otherwise permitted by law or College policy. See [DBD]
• Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.
• Failing to provide financial records required by federal, state, or local entities.
• Failure to disclose conflicts of interest as required by law or College policy.
• Any other dishonest act regarding the finances of the College.
• Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.

**Conflict of Interest**
*Policies CAA, DBD, DBF*

Employees are required to disclose in writing to the College any situation that creates a potential conflict of interest with proper discharge of assigned duties and responsibilities or creates a potential conflict of interest with the best interests of the College. This includes the following:

• A personal financial interest
• A business interest
• Any other obligation or relationship
• Non-College employment

Employees should contact their supervisor for additional information.

**Gifts and Favors**
*Policies CAA, DBD*

Employees may not accept gifts, favors, services, or other benefits that could influence, or be construed to influence, the employee’s discharge of assigned duties.

**Intellectual Property**
*Policy CT*

**Copyrighted Materials.** Employees are expected to comply with the provisions of federal copyright law relating to the unauthorized use, reproduction, distribution, performance, or display of copyrighted materials (i.e., printed material, videos, computer data and programs, etc.). Electronic media, including motion pictures and other audiovisual works, are to be used for instructional purposes only. Duplication or backup of computer programs and data must be made within the provisions of the purchase agreement.
Trademarked Materials. Symbols, like a professional team’s mascot, colors, slogans, sounds, and like items, are typically protected by federal and state trademark law. Employees are expected to comply with the provisions of the law.

Patents. Federal law protects the invention or discovery of a process, machine, manufacture, or improvement. Only the patent holder may use, make, or sell the invention or discovery or a material component of that invention or discovery.

Associations and Political Activities
Policy DGA

The College will not directly or indirectly discourage employees from participating in political affairs or require any employee to join any group, club, committee, organization, or association.

An individual’s employment will not be affected by membership or a decision not to be a member of any employee organization that exists for the purpose of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work. Use of College resources including work time for political activities is prohibited.

Safety
Policy CG series

The College has developed and promotes a comprehensive program to ensure the safety of its employees, students, and visitors. The safety program includes guidelines and procedures for responding to emergencies and activities to help reduce the frequency of accidents and injuries. To prevent or minimize injuries to employees, coworkers, and students and to protect and conserve College equipment, employees must comply with the following requirements:

- Observe all safety rules.
- Keep work areas clean and orderly at all times.
- Immediately report all accidents to their supervisor.
- Operate only equipment or machines for which they have training and authorization.

Vehicle Operation Rules for College-Owned, Leased or Rented Vehicles, or Use of Personal Vehicle for Official College Business While Carrying Passengers

While driving on College business, employees are required to abide by all state and local traffic laws and comply with the following requirements:

- Drive with diligence at all times;
- The number of passengers may not exceed the number of seat belts;
- All occupants of the vehicle are required to wear seat belts;
- All drivers, excluding police officers while on duty, are prohibited from using hand held cellular phones while driving;
• Cellular phone calls using hands-free technology while driving is discouraged. To minimize the impact of distraction, calls, if any, should be brief. Extended conversations should be made while not driving;

• Sending or reading text messages or e-mails, dialing cellular phones, viewing television, videos or DVDs and inputting data into laptop computers, personal digital assistants or navigation systems is prohibited while driving;

• Drivers should not drive more than eleven hours in any twenty-four hour period;

• Drivers of vehicles over fifteen passengers are subject to applicable laws and requirements for commercial driver license holders;

• When transporting students, the authorized employee or student must be at least 21 years of age;

• Authorized employees and students must be at least 21 years of age. In special circumstances, as approved by the Director of Human Resources/Payroll or designee, employees or students under the age of 21 may be authorized to drive provided that students are not being transported.

If an accident occurs that involves injuries or damage to the rental vehicle, College vehicle, or another vehicle, or other property damage (to a structure, building, guardrail, etc.), it must be reported immediately to the local police agency, rental agency, and to the Human Resources/Payroll department, no matter how minor the injury or damage is.

Employees with questions or concerns relating to safety programs and issues can contact the Human Resources/Payroll department.

**Annual Security Report**

*Policy GCC*

The College collects information about campus crime statistics and the College’s security policies as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The College’s annual security report issued under the Clery Act is distributed to employees through the following methods: bulk e-mail notification is made to all employees and enrolled students, a printed copy of this report may be obtained by writing the Midland College Police department, and may also be found on the College website [https://www.midland.edu/services-resources/police/crime-statistics.php](https://www.midland.edu/services-resources/police/crime-statistics.php).

**Possession of Firearms and Weapons**

*Policy CHF*

**Open Carry.** The College prohibits the open carry of handguns or other firearms on all College property at all times in accordance with law.

**Concealed Carry.** A license holder may carry a concealed handgun on College property except where prohibited by law or by College policy. See [CHF (LOCAL)] for areas designated as prohibited areas by the College. License holders shall be responsible for complying with the applicable federal and state law.
**Other Prohibited Weapons.** The College District prohibits the use, possession, or display of any location-restricted knife, club, or prohibited weapon, as defined by law, on College District property or at a College District-sponsored or -related activity, unless written authorization is granted in advance by the College President or designee. See [CHF (LOCAL)] for additional prohibited weapons and additional information.

The possession or use of articles not generally considered to be weapons may be prohibited when the College President or designee determines that a danger exists for any student, College District employee, or College District property by virtue of possession or use.
General Procedures

Severe Weather Closing

The College may close campuses because of severe weather. Extreme Weather Procedures may be found on the College website https://www.midland.edu/about/public-info/weather.php. When it becomes necessary to delay or cancel classes, a notice will be posted on the College’s website and the following television stations will be notified:

- Channel 2 (KMID/ABC)
- Channel 7 (KOSA/CBS)
- Channel 9 (KWES/NBC)

Emergencies

_Policies CGC_

All employees should be familiar with the safety procedures for responding to an emergency and the evacuation diagrams posted in their work areas. Emergency drills will be conducted to familiarize employees and students with safety and evacuation procedures. Each campus is equipped with an automatic external defibrillator. Fire extinguishers are located throughout all College buildings. Employees should know the location of these devices and procedures for their use.

In the event of an emergency, the College has various systems in place for communicating information quickly. Emergency Notification Procedures may be found on the College website https://www.midland.edu/services-resources/police/emergency-management-operations.php. Emergency Notification Methods include:

- Messages posted on the College website
- Emergency Broadcast System
- External Media Advisories
- Emergency Alert (i.e., Chap Alerts, text messages, email, telephone and social media pages)
- College Emails

Parking

_Policy CHC_

Any vehicle parked on College property must be registered with the Midland College Police department and display a valid parking permit on the vehicle. A vehicle registration permit may be obtained at the Midland College Police department located in the Scharbauer Student Center. Employees must provide a license plate number for the vehicle being registered along with a valid driver license number.
Employees are required to park in the areas designated by the College issued parking permit. Restricted parking areas are clearly marked and employees are prohibited from parking in areas reserved for visitors, no parking areas, marked fire lanes, areas reserved for the disabled, or any area not specifically designed for vehicle parking.

All questions regarding parking should be directed to the Midland College Police department.

**Purchasing Procedures**

_Policy CF_

All requests for purchases must be submitted to the Purchasing department on an official College purchase order (PO) with the appropriate approval signatures. No purchases, charges, or commitments to buy goods or services for the College can be made without a PO. The College will not reimburse employees or assume responsibility for purchases made without authorization. Employees are not permitted to purchase supplies or equipment for personal use through the College’s business office. Contact the Purchasing department at 432-685-6448 for additional information on purchasing procedures.

**Name and Address Changes**

It is important that employment records be kept up to date. Employees must notify the Human Resources/Payroll office if there are any changes or corrections to their name, home address, contact telephone number, marital status, emergency contact, or beneficiary. Changes to employee’s emergency, personal or office contact information may completed online [https://midland.edu/audiences/faculty-staff/hr/directory-update-form.php](https://midland.edu/audiences/faculty-staff/hr/directory-update-form.php). Beneficiary information should be changed with the appropriate agency. Contact the Human Resources/Payroll office for additional information.

**Personnel Records**

_Policy DBA, GCA_

**Public Access of Personal Information.** Most college records, including personnel records, are public information and must be released upon request. Employees may choose to have the following personal information withheld:

- Home Address
- Phone number, including personal cell phone number
- Emergency contact information
- Information that reveals whether they have family members

The choice to not allow public access to this information or change to an existing choice, may be made at any time by submitting a written request to Human Resources/Payroll or by completing the request online [https://midland.edu/audiences/faculty-staff/hr/directory-update-form.php](https://midland.edu/audiences/faculty-staff/hr/directory-update-form.php). New or terminated employees have 14 days after hire or termination to submit a request. Otherwise, personal information will be released to the public until a request to withhold the information is submitted.
In most cases, an employee’s personal e-mail is confidential and may not be released without the employee’s permission.

**Employment Verifications.** Any request for information about a current, retired or former employee must be transferred to the Human Resources/Payroll department. The Human Resources/Payroll department will disclose to prospective employers dates of employment, title and eligibility for rehire. Salary history will be disclosed only with employee’s permission.

**Disclosure of Personnel Records.** The personnel file will include, but is not limited to the following: application for employment, transcripts, training records, employment contracts, personnel status forms, performance evaluations and policy acknowledgements. Employees have access to information in their Personnel file, or may authorize in writing release of information to a third party. However, other access is restricted to the following and only on a business need to know basis:

1. Human Resources/Payroll department employee
2. Direct Supervisor of an employee
3. College Administrator

No information will be removed from a Personnel file. The employee may submit a statement containing his or her position as to the statements in the record. This statement will be made part of the permanent file.

**Facilities Use**
*Policies DGD, GD, GDA*

Employees who wish to use College facilities for non-work activities must follow established procedures. The Secretary to the Vice President of Administrative Services is responsible for scheduling the use of facilities. Contact the Secretary to the Vice President of Administrative Services to submit a request and to obtain information on the fees charged. The room reservations request form may be found on the College website [https://www.midland.edu/audiences/media/documents/employee-forms/room-reservation-request.pdf](https://www.midland.edu/audiences/media/documents/employee-forms/room-reservation-request.pdf).

**Campus Programs for Minors**
*Policy DC*

A summer camp for minors lasting all or part of at least four days for at least 20 campers require that all staff and volunteers participating the camp:

- Successfully complete a training program on sexual abuse and child molestation every two years. Initial training must occur during the individual’s first five days of employment.
- Volunteers must go through an approval process prior to being allowed to participate in a camp.
- This requirement does not apply to an individual who is a student enrolled at the College whose contact is limited to a class of a short duration.
The College uses online training through Train Right to satisfy the training program requirement. Contact the Human Resources/Payroll department with the names and email addresses of the staff and volunteers. A link to the online training will be provided to the employee/volunteer. Training costs will be billed to the department holding the camp. Once the training has been completed, the certificate of completion should be forwarded to the Human Resources/Payroll office.

The employee in charge of the camp will need to submit the completed Department of State Health Services Campus Program for Minors Information form to the Human Resources/Payroll Director prior to the start date of the camp. One form per camp will be required. The Human Resources/Payroll Director will submit the form to the State. The training course name is “Child Abuse Awareness & Prevention Program”, and the course approval number is YC3-0103.

If all requirements are not met as stated above, the camp will be canceled.

The Department of State Health Services Campus Program for Minors Information form is available at http://dshs.state.tx.us/cpm/forms.shtm.
Termination of Employment

Resignations
Policy DMD

All resignations by full-time employees shall be submitted in writing to the College President. All resignations by part-time employees shall be submitted in writing to the Director of Human Resources/Payroll. The employee shall include in the letter a statement of reasons for resigning.

Contract Employees. Contract employees may resign their position at the end of the contract term without penalty if reasonable notice is given. A contract employee must obtain the Board’s permission to resign in the middle of a contract term. Once submitted, the resignation may not be withdrawn without the consent of the President for end of contract term resignations or consent of the Board for middle of contract term resignations.

Non-Contractual Employees. Full-time non-contractual employees may resign their position at any time by submitting a written notice of resignation to the College President. Employees should include the reasons for leaving in the letter of resignation. A minimum of a two-week notice is expected for at-will employees.

Dismissal or Nonrenewal of Contract Employees
Policies DM series

Employees on a term contract can be dismissed during the academic year for good cause or nonrenewed at the end of the contract term for any reason according to the procedures outlined in College policies. A contract employee that is dismissed or nonrenewed has the right to address the administration and the Board, according to College policy.

Dismissal of Noncontract Employees
Policy DM

Noncontract employees are employed at will and may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the College. It is unlawful for the College to dismiss any employee for reasons of race, color, religion, gender, national origin, age, disability, military status, genetic information, any other basis protected by law, or in retaliation for the exercise of certain protected legal rights. Noncontract employees who are dismissed have the right to grieve the termination. The dismissed employee must follow the College process outlined in this handbook when pursuing the grievance. See Complaints and Grievances.

Exit Interviews and Procedures
Policy DM

Exit interviews will be scheduled for all full-time employees leaving the College. Information on the continuation of benefits, final paycheck, etc. will be provided at this time. Separating employees are asked to provide the College with a forwarding address and phone number and complete a questionnaire that provides the College with feedback on his or her employment experience. All
College issued keys, key cards, employee ID card, and credit cards should be turned in to the Director of Human Resources/Payroll during the exit interview. Other equipment, desk keys, books, or property must be turned in to the employee’s supervisor upon separation from employment.

**Reports Concerning Court-Ordered Withholding**

The College is required to report the termination of employees that are under court order or writ of withholding for child support or spousal maintenance to the court and the individual receiving the support. Notice of the following must be sent to the support recipient and the court or, in the case of child support, the Texas Attorney General Child Support Division:

- Termination of employment not later than the seventh day after the date of termination
- Employee’s last known address
- Name and address of the employee’s new employer, if known


**Student Issues**

**Equal Educational Opportunities**  
*Policies FA series, FB, FE series, FF series, FK*

Midland College does not discriminate on the basis of race, color, religion, national origin, sex, gender, age, or disability in providing education services, activities, and programs, including vocational programs, in accordance with Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Educational Amendments of 1972; Americans with Disabilities Act; and Section 504 of the Rehabilitation Act of 1973, as amended.

Questions or concerns about discrimination of students based on any of the reasons listed above should be directed to Tana Baker, Title IX Coordinator/Compliance Officer, Scharbauer Student Center, Room 242, Midland, TX 79705, tbaker@midland.edu, (432) 685-4781.

**Student Records**  
*Policy FJ*

Student records are confidential and are protected from unauthorized inspection or use. Employees should take precautions to maintain the confidentiality of all student records. Access to student records is restricted to individuals authorized by law, including the student, parents when the student is a dependent for tax purposes, and college officials with legitimate educational interests.

The Catalog and Student Handbook provides students with detailed information on student records. Students who want to review student records should be directed to the Registrar for assistance.

**Student Complaints**  
*Policy FLD, FLDB*

In an effort to hear and resolve student complaints in a timely manner and at the lowest administrative level possible, the Board has adopted orderly processes for handling complaints on different issues. The Midland College Catalog and Student Handbook provides students with information on the procedures for complaints.

Students are encouraged to discuss problems or complaints with the faculty member or the appropriate administrator at any time. Informal resolution is strongly encouraged at this first level. Students with complaints that cannot be resolved to their satisfaction should file a formal, Level 1 written complaint with the appropriate dean. The formal complaint process provides potential resolution through the various levels of administration; allowing students the opportunity to be heard up to the highest levels of management (i.e., the President and Board).
Student Conduct and Discipline

*Policies FL series, FM series*

Students are expected to follow the college’s rules and regulations concerning student conduct outlined in the Catalog and Student Handbook. Faculty and staff are required to submit an alleged violation or violations of college policies and procedures, including rules for student conduct to the appropriate administrator or designated representative within a reasonable timeframe (i.e., within 10 days). The allegations must be submitted in writing through traditional or electronic means and describe the violation and surrounding facts. The appropriate administrator or designee shall investigate the matter if necessary.
Appendices
Appendix A

MIDLAND COLLEGE VOLUNTEER
Acknowledgement, Waiver, and General Release

In consideration for the opportunity to volunteer at Midland College (the “College”), the undersigned (herein called “Volunteer”) agrees to the following:

1. Volunteer states that Volunteer is volunteering solely for personal, civil, charitable, and/or humanitarian purposes without any promise or expectation of compensation or employment with the College. Volunteer further understands that Volunteer’s service with the College can be terminated by either Volunteer or College at any time without cause and without notice.

2. Volunteer’s service at the College is expected to begin ______________ and end on ______________, and will be coordinated by the following representative(s) of the College: __________________________ (the “Coordinator”).

3. Volunteer agrees to abide by the policies and procedures of the College which can be found on the College's website at www.midland.edu while performing volunteer services. Volunteer understands that Volunteer may be subject to criminal background checks and other prescreening checks, if applicable.

4. Volunteer hereby and forever releases, waives, discharges, covenants not to sue, and agrees to hold harmless for any and all purposes Midland College, the Board of Trustees of Midland College and each of its members, officers, agents, administrators, representatives, employees, staff, and other volunteers (collectively, “Releasees” or “Indemnitees”) from any and all claims, actions, suits, demands, agreements, liabilities, injuries (including death), damage to or loss of property of Volunteer, judgments, and proceedings both at law and in equity, including without limitation any claims based upon sole, joint, or concurrent negligence, negligence per se, statutory fault, or strict liability, arising from the beginning of time and related to or arising from Volunteer’s services on behalf of Midland College.

5. Volunteer understands and accepts that there may be inherent risks associated with the voluntary services provided by Volunteer, and Volunteer agrees, accepts, and assumes any risks associated with Volunteer’s activities at the College. Volunteer further agrees to indemnify and hold harmless Indemnitees from any and all liabilities, claims, demands, injuries (including death), or other damages, including court costs and attorneys; fees and expenses, which may arise as a result of Volunteer’s activities at the College, including injuries sustained as a result of the sole, joint, or concurrent negligence, negligence per se, statutory fault, or strict liability of Indemnitees.

Upon completion, please submit this form to the Human Resources/Payroll office for processing.  05/19
6. Volunteer further acknowledges that any claim Volunteer may have which is released herein would also be subject to the Indemnitees' sovereign immunity.

7. Volunteer agrees that this release shall be binding upon and inure to the benefit of the College, its successors, assignees and personal representatives.

Volunteer's Signature

Date

Volunteer’s Printed Name

Parent or Legal Guardian Signature
(for minors under the age of 18)

Date

In the presence of:

Coordinator (Director)

Date

Dean (if applicable)

Date

Administrative Council Member

Date

Return to Human Resources for Approval

Approval:

Director of HR/Payroll

Date

Upon completion, please submit this form to the Human Resources/Payroll office for processing.
MIDLAND COLLEGE ADMINISTRATIVE REGULATION

POLICY REFERENCE: DHB Employee Standards of Conduct – Searches and Alcohol/ Drug Testing

SUBJECT: Reasonable Suspicion Searches

The College may require alcohol and/or drug testing for the reasons included, but not limited to those in Midland College Policy DHB (Local).

Reasonable Suspicion:
College employees will be required to report any suspicious behavior or signs of drug/alcohol use by any employee or volunteer to the Director of Human Resources/Payroll for review and coordination. The individual(s) who made the observations should submit a signed written summary to the Director of Human Resources/Payroll and should include the specific facts, observations and circumstances observed about the employee’s behavior. Such observations much take place just preceding, or during the workday. The Director of Human Resources/Payroll, or designee, will review the individual circumstances and recommend appropriate action.

If alcohol and/or drug testing is required, the College will arrange for transportation to the drug testing facility and to the employee’s home. Under no condition should the employee be allowed to drive when intoxication or drug use is suspected.

If an employee is tested for alcohol and/or drugs, and the results indicate a violation of College Policy, the employee may be subject to disciplinary action, up to and including termination.
The purpose of this regulation is to outline pay rules that apply to non-exempt employees while traveling on College business. Employees in positions classified as nonexempt (overtime eligible) under the Fair Labor Standards Act may be eligible for compensation for the time they spend traveling. The compensation as an employee receives depends on the kind of travel and whether the travel time takes place within normal work hours.

“Normal work hours,” for the purposes of this regulation are defined as an employee’s regularly scheduled work hours (e.g. 8:00 am to 5:00 pm during the regular schedule and 7:30 am to 5:30 pm during the summer schedule). This definition applies to normal workdays (Monday through Friday) and to weekends (Saturday and Sunday). Employees with variable work hours will have their normal work hours defined by Human Resources/Payroll prior to travel, based on a review of time records over the previous month.

Calculating and Reporting Travel Time
“Travel time” is defined according to the type of travel involved in the travel categories listed below. Employees are responsible for accurately tracking, calculating and reporting travel time on their time sheets in accordance with this policy.

Meal periods should be deducted from all travel time.

<table>
<thead>
<tr>
<th>Travel Category</th>
<th>Compensable Time</th>
<th>Non-compensable Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commuting</td>
<td>• Performing authorized work-related errands while commuting from home to work or from work to home.</td>
<td>Ordinary travel from home to work (commuting time)</td>
</tr>
<tr>
<td></td>
<td>• Transporting or delivering materials or equipment to a job site prior to the start of the work day and/or returning materials or equipment after the end of the work day</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Transporting other employees to work sites, to the office, or to their homes either before or after the workday at management request</td>
<td></td>
</tr>
<tr>
<td>Travel During the Work Day</td>
<td>Time spent in travel as part of the member’s principal job activity (i.e., travel between job sites).</td>
<td></td>
</tr>
<tr>
<td>Travel Category</td>
<td>Compensable Time</td>
<td>Non-compensable Time</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
</tbody>
</table>
| One-Day Assignment in Another Town or City          | • Time spent traveling to and returning from a one-day required assignment in another city or town regardless of whether employee is the driver or the passenger, regardless of whether the travel cuts across the normal work schedule.  
  • Time spent at required conference, meeting, etc.  | • Normal commuting time will be subtracted.                                                                                                                                                                      |
|                                                     |                                                                                                                                                                                                                | • Time not worked even if it cuts across the employee’s regular work schedule (e.g., employee goes sightseeing instead of attending a conference session,  
  the conference sessions are only from 9a.m. to 3 p.m., etc.).  
  • Meal periods and social activities where attendance is not required and work is not performed  |                                                                                                                                                      |
| Travel Away From Home Community (Overnight Travel) | • Any portion of authorized travel, including time spent waiting at an airport, bus station, etc., that cuts across a member’s normal work schedule, including non-work days.  
  • If an employee travels between two or more time zones, the time zone associated with the point of departure determines whether the travel falls within normal work hours.  
  • Riding as a passenger when the member is required to perform work (for example, to serve as an assistant or helper, respond to email, take business-related phone calls, etc.).  
  • Driving a vehicle, regardless of whether the travel takes place within or outside normal work hours.  
  • Time spent attending authorized conferences, meetings, etc.  
  • Required attendance at meals or meal breaks where work is performed.  
  • Required attendance at social functions.  | • Any portion of authorized travel, including time spent waiting at an airport, bus station, etc., that falls outside of normal work hours.  
  • Riding as a passenger outside of normal work hours where work is not required.  
  • Travel between hotel and meeting site.  
  • If an employee drives a car as a matter of personal preference when an authorized flight or other travel mode is available and paying for travel by car would exceed the cost of the authorized mode, only the estimated travel time associated with the authorized mode will be counted as hours worked.  
  • If the College authorizes hotel accommodations for overnight travel but the employee prefers to drive home each evening.  
  • Regular meal periods where work is not performed and attendance is not required.  
  • Voluntary attendance at social functions.  |
<table>
<thead>
<tr>
<th>Travel Category</th>
<th>Compensable Time</th>
<th>Non-compensable Time</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>• Time spent outside of the conference or meeting (i.e., employee goes sightseeing instead of attending conference sessions).</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• Time spent sleeping unless the employee has the primary responsibility for the safety and welfare of students.</td>
</tr>
</tbody>
</table>

**Example 1 – Same Day Travel**

A nonexempt employee goes out of town to attend a one-day seminar. The normal work hours are 8:00 a.m. to 5:00 p.m. The employee normally commutes from home to the office which takes 30 minutes. The employee leaves his/her home at 7:00 am and the seminar begins at 9:00 am. The employee has a one-hour lunch break in which he or she is completely relieved of work duties. The seminar continues from 1:00 pm and ends at 5:00 pm, then the employee returns home at 7:00 pm. The employee should report a total of **10 hours worked** on the day the travel occurred (11 hours of compensable time, but deduct the normal commute time of one hour because it is same-day travel).

<table>
<thead>
<tr>
<th>Compensable Time</th>
<th>Non-Compensable Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>All hours of travel and all hours worked:</td>
<td>• The 30 minutes for the normal commute (each way)</td>
</tr>
<tr>
<td>• 7:30 am to 9 am (1.5 hrs. travel time)</td>
<td>• The 1 hour lunch in which the employee was relieved of all work duties.</td>
</tr>
<tr>
<td>• 9 am to 12 pm and 1 pm to 5 pm (7 hrs. worked)</td>
<td></td>
</tr>
<tr>
<td>• 5 pm to 6:30 pm (1.5 hrs. travel time)</td>
<td></td>
</tr>
</tbody>
</table>

**Example 2 – Overnight Travel (by airplane)**

_A non-exempt employee travels out of town for a 3-day conference, departing on Sunday. Employee’s normal work schedule is from 8:00 am to 5:00 pm Monday through Friday._

- On Sunday, employee leaves home at 1 pm and drives to the airport for a flight that departs at 4 pm.
- The duration of the flight is 3 hours and the employee arrives at their destination airport at 7 pm.
- Employee takes a shuttle from the airport to the hotel.
- The employee works/conferences from 8:00 am to 5:00 pm on Monday, Tuesday and Wednesday with a one-hour meal period on each day during which no work is performed.
- After the conference, employee takes a cab and arrives at the airport at 7 pm for a flight that departs at 8 pm.
- The duration of the flight is 3 hours and the employee arrives Wednesday night at 11 pm.
• It takes the employee one hour to drive home.

<table>
<thead>
<tr>
<th>Day</th>
<th>Compensable Time</th>
<th>Non-Compensable Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Saturday</td>
<td>• N/A</td>
<td>• N/A</td>
</tr>
</tbody>
</table>
| Sunday    | • Drive time to airport, wait time at airport and one hour of the flight (because this is all travel time that occurs during normal working hours, even though it is a non-workday)  
  • Total hours worked = 4 (1 pm to 5 pm) | • Portion of the flight after 5 pm (because employee is a passenger and it is outside of normal working hours)  
  • Shuttle from airport to hotel (because employee is a passenger and it is outside of normal working hours) |
| Monday    | • 8 am to 12 pm and 1 pm to 5 pm  
  • Total hours worked = 8 | • 12 pm to 1 pm (lunch)                                                              |
| Tuesday   | • 8 am to 12 pm and 1 pm to 5 pm  
  • Total hours worked = 8 | • 12 pm to 1 pm (lunch)                                                              |
| Wednesday | • 8 am to 12 pm and 1 pm to 5 pm  
  • Drive time home (1 hour)  
  • Total hours worked = 9 | • 12 pm to 1 pm (lunch)  
  • Travel to airport and return flight (because the hours are outside of normal work hours and employee is traveling as a passenger) |
| Thursday  | • Total Hours Sun through Wed = 29  
  • *Upon return to work employee should meet with supervisor to discuss hours already worked and schedule adjustments to not exceed 40 hours in the week* |                                                                                                                                 |
NOTIFICATION OF OUTSIDE EMPLOYMENT FORM

Name          Employee ID #

Nature of employment: ____________________________________________

In accordance with DBF (Local) Policy, employees shall disclose in writing any outside employment. The outside employment must not in any way create a potential conflict of interest with the proper discharge of assigned duties or with the best interest of the College.

This form shall be submitted to the employee’s supervisor prior to engagement in outside employment and annually each September thereafter. Form should be submitted up the chain of command to the appropriate Administrative Council Member. Executed form should be submitted to the Human Resources/Payroll Department for inclusion in employee’s personnel file.

<table>
<thead>
<tr>
<th>Employee Signature</th>
<th>Title</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supervisor Signature</td>
<td>Title</td>
<td>Date</td>
</tr>
<tr>
<td>Next Level Supervisor (if applicable)</td>
<td>Title</td>
<td>Date</td>
</tr>
<tr>
<td>Administrative Council Member Signature</td>
<td>Title</td>
<td>Date</td>
</tr>
</tbody>
</table>

*Forward completed form to the Human Resources Department.*

05/2019
The performance evaluation is intended to stimulate work effectiveness, because it formally recognizes efficient performance as well as unsatisfactory performance. Effective management requires meaningful communication between the supervisor and the employee.

The key objectives of the evaluation process are as follows:

1. Performance standards are clarified in conjunction with the current position descriptions to ensure that employees understand all that is expected of them in their job.
2. Employees understand the supervisor’s assessment of their effectiveness in carrying out the assigned duties and responsibilities.
3. Employees know where improvement is either possible or required, and agreement has been reached on how that improvement can be achieved.

Performance evaluations will be conducted for all full-time employees, with the exception of faculty and classified staff, no sooner than November and no later than January. Faculty evaluations will be done in February as stated in Faculty Evaluation and Re-Employment Recommendation. Performance evaluations will be conducted in the month of April each year for classified employees with a Performance Evaluation Report Form. Performance evaluations for part-time employees will be conducted as needed, as determined by the employee’s supervisor and/or immediate department head. Evaluations may be given on a more frequent schedule when supervisors believe it to be useful. The performance evaluation shall be carried out by the employee’s supervisor and/or immediate department head. Supervisor’s signature should be affixed prior to a review of the evaluation with the employee.

In conjunction with this evaluation, the position description should be reviewed with the employee. Where the description is not current, a modification will need to be submitted to the Human Resources/Payroll department for approval. Once approved, a copy should be given to the employee and the position description should be reviewed with the employee. A copy of the position description containing the employee’s initials and date should be submitted to the Human Resources/Payroll department to become part of the employee’s personnel file. Professional development activities undertaken by the employee during the previous year, as well as opportunities for such in the upcoming year, should be discussed and documented at this time.

If the employee disagrees with any part of the rating, the employee may respond on a separate sheet and attach it to the performance evaluation form. The area of disagreement should be described specifically.

A copy of the performance evaluation form is to be sent to the Human Resources/Payroll department to become part of the employee’s personnel file.
Appendix F

Guidelines and Request for Approval of Part-Time Employee Working Over 19 Hours Per Week (PTOB Form)

Part-time employees may be eligible for health insurance and TRS, based on the following criteria:
A part-time employee who works at least 20 but not more than 39 clock hours per week, or the equivalent, and are expected to work for a period of at least 4 ½ months or work for more than one full semester, have the option to elect insurance benefits and will be eligible for TRS unless eligible for ORP or is a TRS retiree.

<table>
<thead>
<tr>
<th>20-29 HOURS PER WEEK</th>
<th>30-39 HOURS PER WEEK</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health insurance paid at part-time rates</td>
<td>Health insurance paid at full-time rates</td>
</tr>
<tr>
<td>Employer pays 50% of employee’s premium and 25% of dependent premiums</td>
<td>Employer pays 100% of employee’s premium and 50% of dependent premiums</td>
</tr>
</tbody>
</table>

This request must include justification for the need to support the additional cost of the health insurance. It should be approved by all supervisors up to the appropriate Administrative Council Member. HR will offer benefits to the employee upon receipt of approved PTOB form. Please fill out the following information completely and submit completed form to the HR/Payroll office.

REQUEST INFORMATION
Name of Employee: ____________________________ Title: ____________________________
Justification: ____________________________________________

Expected clock hours per week:
Do you expect employee to continue working 20 or more clock hours per week for a period of 4 ½ months and work for more than one full semester? Yes ______ No ______
Requested length of approval through date: ____________________________

For adjunct faculty, a PTOB Form must be submitted each semester.

Calculation of clock hours for face to face credit courses:
- Instruction time must be converted to clock hours and counted as a minimum of two clock hours for each clock hour of lecture or lab.
- Calculation of clock hours for online credit courses:
  - Instructional time must be counted as a minimum of two clock hours for each semester credit hour.
  - Example: Face to face course (3-2) = 10 Clock hours per week
  - Online course (3-2) = 4 semester hours = 8 Clock hours per week

<table>
<thead>
<tr>
<th>Course &amp; Section</th>
<th>Lab/Lecture Makeup (ex: 3-2)</th>
<th>SCH for Online Course</th>
<th>Course Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

RECOMMENDED:

Supervisor
Date

Approved:
Date

Dean
Date

Administrative Council Member
Date

Upon completion, please submit this form to the Human Resources/Payroll office for processing.

05/2019
To encourage participation in health and wellness activities, full-time employees will be allowed 30 minutes of release time during normal working hours up to 2 times per week to participate in physical exercise, participate in fitness activities offered in the Midland College Fitness Center or attend on-site wellness seminars when offered. Activities are offered at all College operated locations.

Wellness release time is not considered work time for purposes of Workers’ Compensation benefits. Injuries that may result during participation will not be treated as work-related injuries. It is advised that the employee consult with a physician before undertaking any physical activity program. For employees that have a medical condition that may limit participation, a reasonable alternative will be available upon request.

Wellness release time is paid time which does not have to be made up. No participant may be released from work more than 2 times per week for a total of 1 hour per week (two 30 minute segments). Release time may not be accrued, carried over, or banked and may not be combined with break times.

Employees are to be mindful of busy times in their areas. Wellness Release Time should not interfere with the workflow and operation of the employee’s department. During busy times, the supervisor may elect to decline to allow the employee to participate, change the date/time requested, or decrease the number of hours approved due to operational considerations.

To participate, employees should submit the CHAP Fit Wellness Release Time Approval Form (Approval Form) to their supervisor for approval. Employee should specify requested day(s) and time(s) of the wellness activities. Any deviations from the approved schedule must be pre-approved by employee’s supervisor. Completed Approval Form should be submitted to the Human Resources/Payroll department for inclusion in employee’s personnel file as a record for times for which workers’ compensation benefits do not apply.

All employee participants will be required to sign in at the Fitness Center desk. Supervisors shall monitor employee’s CHAP Fit participation to ensure compliance with Administrative Regulations. The Fitness Center Attendant will send supervisors a copy of the sign-in sheet on the 1st and 15th of each month to verify employee’s participation.

Employees may choose Monday and Wednesday or Tuesday and Thursday. Participation times will be set from:

**Morning**
- Regular Hours: 7:00 am – 8:00 am with employees arriving at their work area at 8:30 am;
- Summer Hours: 6:30 am – 7:30 am with employees arriving at their work area at 8:00 am;

**Lunch**
- 11:30 am-12:30 pm with employees arriving at their work area at 1:00 pm;
- 12:00 pm – 1:00 pm with employees arriving at their work area at 1:30 pm;
- 12:30 pm-1:30 pm with employees arriving at their work area at 2:00 pm;
- 1:00 pm-2:00 pm with employees arriving at their work area at 2:30 pm;
**Afternoon**
- Regular Hours: 4:30 pm – 5:30 pm with employees leaving their work area at 4:30 pm;
- Summer Hours: 5:00 pm – 6:00 pm with employees leaving their work area at 5:00 pm.

Activities will be scheduled to last approximately 45 minutes. Activities will be held in and around the Fitness Center and in the multipurpose room of the PE Building. These activities are for Midland College full-time employees only. No guests unless specially noted.

A variety of classes will be offered. These activities will include aerobics, strength and flexibility activities. Additionally, employees may request activities to be offered.

Personal fitness assessments and instruction on equipment and proper exercise techniques will be offered at scheduled times. Records on personal fitness improvement may be kept so that employees can track their progress.
Appendix H

Complete Health Awareness Program
C.H.A.P. Fit

Wellness Release Time Approval Form

To encourage participation in health and wellness activities, full-time employees will be allowed 30 minutes of release time during normal working hours up to 2 times per week to participate in physical exercise. Participate in fitness activities offered in the Midland College Fitness Center or attend on-site wellness seminars when offered. Activities are offered at all College operated locations.

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- 12:30 pm-1:30 pm with employees arriving at their work area at 2:00 pm;
- 1:00 pm-2:00 pm with employees arriving at their work area at 2:30 pm;

**Afternoon**
- Regular Hours: 4:30 pm – 5:30 pm with employees leaving their work area at 4:30 pm;
- Summer Hours: 5:00 pm – 6:00 pm with employees leaving their work area at 5:00 pm.

**EMPLOYEE INFORMATION:**
I have read the above and agree to abide by the DEB Administrative Regulation – CHAP Fit – Wellness Release Time.

Requested days and times: ____________________________________________

Approved / Denied reason for denial: __________________________________

Employee Name: ___________________________________________________

Employee Signature: ________________________________________________

Supervisor Name: __________________________________________________

Supervisor Signature: ____________________________________________

Completed form should be forwarded to the Human Resources/Payroll Department.

*DEB Administrative Regulation – CHAP Fit – Wellness Release Time*

05/2019
Appendix I

MIDLAND COLLEGE ADMINISTRATIVE REGULATION

<table>
<thead>
<tr>
<th>POLICY REFERENCE:</th>
<th>DEC Compensation and Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>SUBJECT:</td>
<td>Leaves and Absences</td>
</tr>
</tbody>
</table>

Leave records shall be maintained by the Human Resources/Payroll office.

UNAPPROVED ABSENCES
Unauthorized absence by an employee for more than three consecutive days may be considered as voluntary termination of employment.

USE OF PAID LEAVE OR COMPENSATORY TIME
Employees and supervisor are responsible for scheduling and approving time off as to not interfere with the operation of the department and so that each staff member receives their annual benefit of vacation each year, if they so desire. Vacations and other requests for time off must be scheduled around the work requirements of the department. Reasonable efforts should be made to accommodate the staff member’s request.

Paid leave may only be used for absences on scheduled work days, totaling a maximum of 40 hours per week. Consequently, paid leave may not be used for absences on non-scheduled work days. Full-time faculty members are considered as part-time employees outside of the period of appointment thus ineligible to accrue paid sick leave or use paid sick leave outside of the period of appointment.

Supervisors and employees are responsible for ensuring that all absences are accurately reported.

ACCRUAL OF PAID LEAVE
Leave accrual is based on the employee’s full-time hire date or adjusted full-time date of employment when considering prior years of full-time service for rehired employees. No service with another agency will be considered for the accrual. No leave will be accepted from another agency.

Accruals are posted effective the end of the day on the 15th of each month. An employee shall not earn any form of paid leave when he or she is in unpaid status.

RECORDING OF LEAVE
All employees who are away from their work area because of illness shall submit a weekly leave request form for approval by the immediate supervisor in advance for expected leave and as soon as practicable for unexpected leave. Weekly leave sheets with attached medical certification (if required) [See DEC (LOCAL)] shall be turned in to the Human Resources/Payroll office on the Monday following the leave taken.
Full-time employees, including faculty members, who do not report to work shall use one entire day of leave, even though they may miss only one class or one office hour during the day’s absence.

An exempt employee who misses a portion of the day but works a portion of the day shall not have use leave hours (except FMLA).

**ABSENCE NOTIFICATION: ABSENCES EXCEEDING THREE DAYS**
If an employee is absent or upon learning that an employee may be absent for more than three consecutive work-days because of a personal illness or illness in the employee’s immediate family, the supervisor shall notify the Director of Human Resources/Payroll and Benefits Coordinator immediately, but not later than the fourth day of absence.

**PAYMENT OF LEAVE**

**CHANGE IN POSITION FUNDING**
If a full-time employee moves from a locally-funded or state-funded position to a grant-funded position, or the reverse, accrued vacation leave and compensatory time may not be transferred and shall be paid to the employee in a lump sum payment on the next applicable payroll at the rate of pay of the position transferring from. Accrued sick leave and personal leave will transfer to the new position.

**TRANSFER FROM 12 MONTH POSITION TO LESS THAN 12 MONTH POSITION**
If a full-time employee transfers from a 12-month position to less than 12, the accrued vacation shall be paid to the employee in a lump sum payment on the next applicable payroll at the rate of pay of the position transferring from.

**TRANSFER TO ANOTHER DEPARTMENT OR FROM A NON-EXEMPT POSITION TO AN EXEMPT POSITION**
If a full-time employee transfers from one locally or state funded position to another or from a non-exempt position to an exempt position, compensatory time may not be transferred and shall be paid to the employee in a lump sum payment on the next applicable payroll at the rate of pay of the position transferring from.

**FOUNDATION GRANT**
Upon termination of employment, if repayment of tuition and fees is required [See DEB (LOCAL), the payment of eligible paid leave will be reduced by the amount owed.
Appendix J

MIDLAND COLLEGE WEEKLY LEAVE REQUEST
This form is to be completed by employees for requesting or reporting absences.

**Employee Information**

<table>
<thead>
<tr>
<th>NAME:</th>
<th>EMPLOYEE ID:</th>
</tr>
</thead>
<tbody>
<tr>
<td>TITLE:</td>
<td></td>
</tr>
</tbody>
</table>

**Requested Leave**

<table>
<thead>
<tr>
<th>DATE</th>
<th>TIME REQUESTED</th>
<th>ACTUAL HOURS WORKED</th>
<th>TOTAL HOURS USED</th>
<th>TYPE OF LEAVE USED</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>FROM</td>
<td>TO</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MONDAY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TUESDAY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WEDNESDAY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>THURSDAY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FRIDAY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SATURDAY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SUNDAY</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

**Fill in the total number of hours requested beside type of leave used:**

1. [ ] Vacation
2. [ ] Sick Leave (Employee) *
   * If out more than 3 consecutive days, a doctor’s note must be attached.
3. [ ] Sick Leave (Family) *
   Relationship of Family Member:
   - Spouse, son or daughter, stepchild, legal ward, or a child for whom the employee stands in loco parentis, parent, stepparent, parent-in-law, or other individual who stands in loco parentis to the employee.
   * If out more than 3 consecutive days, a doctor’s note must be attached.
4. [ ] FMLA
   Local leave used in following order: sick, vacation, comp, personal. An absence due to a work-related injury or illness shall be designated as FMLA for eligible employees.
5. [ ] Professional with Pay
   Location (City, State): __________
   Conference name (if applicable): __________
6. [ ] Bereavement
   Relationship of Family Member:
   - Maximum of 5 days per calendar may be used from sick leave balance (if available) for the death of spouse, son or daughter, stepchild, legal ward, or a child for whom the employee stands in loco parentis, parent, stepparent, parent-in-law, sibling, step-sibling, son or daughter-in-law, or other individual who stands in loco parentis to the employee, son or daughter-in-law, grandparent or grandchild.
7. [ ] Personal Leave (Full-time employees granted 16 hours per calendar year.)
8. [ ] Compensatory Time
9. [ ] Jury Duty
10. [ ] Leave without Pay
11. [ ] Other Reason for request:

**Employee Signature:** __________

**Date:** __________

**Approvals**

<table>
<thead>
<tr>
<th>Human Resources</th>
<th>Supervisor</th>
<th>Vice President</th>
<th>President</th>
</tr>
</thead>
</table>

Reminder: If an employee is absent more than three consecutive work-days because of a personal illness or illness is the immediate family, please notify the Benefits Coordinator and the Director of HR/Payroll. The College Human Resources/Payroll department is required by law to give FMLA information to employees within five days of acquiring knowledge that an employee’s leave may be for an FMLA-qualifying reason (even if an employee doesn’t qualify for FMLA).

05/2019
MIDLAND COLLEGE ADMINISTRATIVE REGULATION

POLICY REFERENCE: DEC Compensation and Benefits

SUBJECT: Sick Leave Bank

I. Overview

This program provides for the alleviation of the hardship caused to an eligible employee if a catastrophic illness or injury forces the eligible employee to exhaust all leave time earned by that employee and all compensation benefits from the College have been exhausted. The program includes unanticipated complications from elective surgery.

II. Definitions and General Information

A. A “catastrophic illness or injury” is a severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all paid leave. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death.

B. “Elective surgery” means a non-emergency surgical procedure which promotes the employee’s physical or emotional well-being.

C. “Licensed practitioner” means a medical or health care practitioner, as defined in the Texas Insurance Code, licensed by the State of Texas, who is practicing within the scope of his/her license.

D. “Eligible employee” means any non-temporary full-time employee who has completed six (6) months of satisfactory employment before applying for leave from the Bank.

E. “Sick Leave Bank” or “Bank” means a collection of employee-donated sick leave hours available to an eligible employee after exhausting all other sick leave, vacation leave, personal leave and compensatory time earned by the employee and before short or long term disability benefits are available.

F. The Director of Human Resources/Payroll will administer the Bank. A five (5) member committee shall review withdrawal requests and make recommendations to the President for final approval. The Committee will consist of representatives appointed by the President from faculty, staff, and the Director of Human Resources.

G. The fiscal year is September 1 through August 31.

H. When applicable, Midland College’s FMLA policy applies to the use of Sick Leave Bank benefits.

III. General Provisions

A. Only eligible employees may apply to use sick leave from the Sick Leave Bank.

B. Eligible employees may apply to use Sick Leave Bank leave only for their own catastrophic illness or injury.

C. Eligible employees must exhaust all accrued paid leave before they are eligible to use leave from the Sick Leave Bank.

D. Employees applying for Sick Leave Bank are not required to contribute to the Sick Leave Bank before they can apply for leave from the Sick Leave Bank.
E. The benefit amount from all College plans cannot exceed 100% of the employee’s normal compensation.

F. Employees who use Sick Leave Bank leave are not required to pay back the leave.

G. Any unused balance of leave from the Sick Leave Bank awarded to the eligible employee will be returned to the Sick Leave Bank.

H. Employees may also reclaim sick leave for non-serious illness if they contributed sick leave to the Bank that fiscal year and then exhausted their sick leave balance in the same fiscal year. Such employees may receive only the number of hours they contributed to the Bank that same fiscal year, if available.

I. Employees who contribute leave to the Bank cannot have it returned to them unless they are eligible to use it as defined above.

J. An employee may apply only once for each serious illness or injury unless the maximum of 45 working days was not received.

K. Employees using Sick Leave Bank leave continue to accrue paid leave such as vacation and regular sick leave in accordance with College policy.

IV. Contributing to the Sick Leave Bank

A. Contributions to the Sick Leave Bank are strictly voluntary and confidential.

B. Employees may contribute from one (1) to three (3) days of sick leave to the Bank each fiscal year, in full day increments equivalent to eight (8) hours. Contributions may be made at designated times during the Fall and Spring semesters if the Sick Leave Bank balance is below 960 hours.

C. To contribute to the Sick Leave Bank, an employee must submit a Sick Leave Bank Donation form to the Human Resources/Payroll office.

D. Employees may not designate a specific person to receive their contribution.

V. Requests to Use Leave from the Sick Leave Bank

A. To request time from the Sick Leave Bank, an employee must submit a completed Sick Leave Bank Withdrawal Request form along with a completed Certification of a Licensed Practitioner.

B. The number of hours of leave from the Bank awarded to the employee will be based on the recommendation of the licensed practitioner regarding usual recovery and rehabilitation time for the employee’s medical condition along with the applicant’s attendance history are used in the determination of the number of hours of leave granted from the Bank. The Director of Human Resources/Payroll and the applicant’s immediate supervisor will review the employee’s attendance history and this information will be communicated to the Committee.

C. Applications to use Sick Leave Bank leave will be processed on a first-come, first-serve basis.

D. An eligible employee may not draw time from the Sick Leave Bank in an amount that exceeds a total of 45 working days (or 360 hours).

E. If it is determined that the employee is eligible to participate in the Sick Leave Bank, the Committee shall determine the exact amount of time that an eligible employee may draw from the Bank, and shall submit the recommendation to the President for final approval. Approval or disapproval of any application shall be made by the Committee and communicated to the employee within a reasonable time period.
SICK LEAVE BANK
WITHDRAWAL REQUEST FORM

FOR COMPLETION BY EMPLOYEE

NAME: 
LAST FIRST MIDDLE

EMPLOYEE ID: 

TITLE: 
SUPERVISOR: 

REASON FOR REQUEST: 


NUMBER OF HOURS REQUESTING FROM SICK LEAVE BANK: 

LAST DAY PHYSICALLY AT WORK: 

EXPECTED RETURN DATE: 

I attest that the information provided above is true and accurate to the best of my knowledge. I request and permit my licensed practitioner to release additional or clarifying information to the college, which would assist in the determination of qualification for sick leave bank benefits.

I certify that I am unable to work due to a severe health condition or combination of conditions affecting my mental or physical health that requires the services of a licensed practitioner for a prolonged period of time and I have exhausted all paid leave.

Further, I understand that this application will not be considered until the certification of the licensed practitioner is received.

SIGNATURE OF EMPLOYEE: 
DATE: 

FOR COMPLETION BY HUMAN RESOURCES DEPARTMENT

Date Received: 
Employment Date (FT): 
Last Day Physically at Work: 

Accrued Leave at Commencement of Absence:

Sick __________ Vacation __________ Comp __________ Personal __________

Date Eligible for STD: 
Supervisor Recommendation: 

Hours Awarded: 


Upon completion, please submit this form to the Human Resources/Payroll office for processing. 

05/2019
CERTIFICATION OF LICENSED PRACTICIONER

1. Employee Name: ________________________________________________

2. Diagnosis Code and diagnosis [including complications]: ________________

3. Date condition commenced: __________________________

4. Probable duration of condition: __________________________

5. Check YES or NO to each question below:
   - ☐ YES  ☐ NO  Is inpatient hospitalization required?
   - ☐ YES  ☐ NO  Does the patient require assistance for basic medical, hygiene, nutritional needs, safety or transportation?
   - ☐ YES  ☐ NO  Is the employee able to perform the functions of the employee’s position?
   - ☐ YES  ☐ NO  Is the employee able to perform work of any kind?

6. The definition of a Catastrophic Injury or Illness is:
   A severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all paid leave. Such conditions typically require prolonged hospitalization or recovery and are expected to result in disability or death.

   In your opinion, do the circumstances of this case meet this definition?
   - ☐ YES  ☐ NO

Name of Attending Physician [Print]: ________________________________

Degree: ____________________________  Telephone: ____________________________

Address: ____________________________

Signature: ____________________________  Date: ____________________________

Upon completion, please submit this form to the Human Resources/Payroll office for processing.

05/2019
SICK LEAVE BANK
DONATION FORM

Donations may be made at designated times when the Sick Leave Bank balance is below 960 hours.

NAME: ___________________________  EMPLOYEE ID: ________________

LAST FIRST MIDDLE INITIAL

NUMBER OF DAYS I WANT TO TRANSFER: ________

An employee may transfer to the Sick Leave Bank per fiscal year no less than one (1) day and no more than three (3) days in eight hour increments.

I understand that this is a voluntary transfer of my sick leave to the Sick Leave Bank. I authorize this deduction of the hours from my sick leave balance as noted above.

I understand that sick leave contributed to the Sick Leave Bank may not be designated for use by a particular employee.

SIGNATURE OF EMPLOYEE: _________________________  DATE: ____________

Upon completion, please submit this form to the Human Resources/Payroll office for processing.

03/2019
Appendix N

Guidelines for Professional Development Transcript

Professional development is an important and essential component of institutional effectiveness at Midland College. All full-time employees are expected to annually upgrade their professional skills. This may be done in a variety of methods, formats, and locations including seminars, workshops, conventions, WFCE and college courses, webcasts, and independent study. Part-time employees are also encouraged to engage in professional development and will be supported by Midland College in this endeavor to the extent possible. The College will annually provide a variety of on-campus opportunities for professional development.

Full-time employees will engage in documentable professional development each year which will become a part of the employees’ annual evaluation assessment. A record of professional development should be maintained by employees and provided to their supervisor each year. Professional development experiences should be approved in advance by the supervisor and must be directly related to the employee’s duties.

1. Employee will identify or be notified by a supervisor of a professional development activity. A leave form along with information on the activity will be submitted by the employee to the supervisor for approval.

2. If approved, arrangements will be made to attend the activity by the employee. Travel arrangements will be made by personnel responsible for travel arrangements within the department if travel is required.

3. Employee will keep a record of actual hours for the activity and record it on the transcript upon return from the activity. Hours should be labeled as clock hours or credit hours. At this time there is no specific amount of hours of professional development needed per year.

4. Transcript will be updated throughout the year and submitted by the employee to the supervisor as part of the employee’s performance evaluation.

05/19
<table>
<thead>
<tr>
<th>Professional Development Activity</th>
<th>Date(s) of Activity</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
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Employee Signature

Supervisor’s Signature

Date

Date

All professional development activities must be approved by the supervisor prior to the date of the activity and should not be included on this transcript unless approved.

05/19
EMPLOYEE COMPLAINT FORMS (See below)
Note: Informal resolution is encouraged but does not extend any deadlines in DGBA (LOCAL), except by mutual written consent.

EMPLOYEE COMPLAINT FORM — LEVEL ONE

To file a formal complaint, please fill out this form completely and submit it by hand delivery, electronic communication, or U.S. mail to the appropriate administrator and send a copy to the Director of Human Resources/Payroll within the time established in DGBA (LOCAL). All complaints will be heard in accordance with DGBA (LEGAL) and (LOCAL) or any exceptions outlined therein.

1. Name

2. Address: ____________________________
   Telephone number: ______________________
   Email address: __________________________

3. If you will be represented in presenting your complaint, please identify the person representing you.
   Name: ____________________________
   Address: ____________________________
   Telephone number: ______________________
   Email address: __________________________

4. Please describe the decision or circumstances causing your complaint (give specific factual details).
   ______________________________________
   ______________________________________
   ______________________________________

5. What was the date of the decision or circumstances causing your complaint?
   ______________________________________

6. Please explain how you have been harmed by this decision or circumstance.
   ______________________________________
   ______________________________________

7. Please describe any efforts you have made to resolve your concerns and the responses to your efforts. Please include dates of communication and whom you communicated with regarding your concerns.
   ______________________________________
   ______________________________________
   ______________________________________

8. Please describe the outcome or remedy you seek for this complaint.
   ______________________________________
   ______________________________________
   ______________________________________
Signature of complainant:  

Date of filing:  

Signature of complainant's representative:  

Complainant, please note: A complaint form that is incomplete in any material way may be dismissed, but may be refiled with all the required information if the refiling is within the designated time for filing a complaint.

Attach to this form any documents you believe will support the complaint; if unavailable when you submit this form, they may be presented no later than the Level One conference. Please keep a copy of the completed form and any supporting documentation for your records.
LEVEL TWO APPEAL NOTICE

To appeal a Level One decision, or the lack of a timely response after a Level One conference, please fill out this form completely and submit it by hand delivery, electronic communication, or U.S. mail to the appropriate Administrative Council member and send a copy to the Director of Human Resources/Payroll within the time established in DGBA (LOCAL). Appeals will be heard in accordance with DGBA (LEGAL) and (LOCAL) or any exceptions outlined therein.

1. Name

2. Address:
   Telephone number:
   Email address:

3. If you will be represented in presenting your appeal, please identify the person representing you.
   Name:
   Address:
   Telephone number:
   Email address:

4. Who held the Level One conference?
   Date of conference:
   Date you received a response to the Level One conference:

5. Please explain specifically how you disagree with the outcome at Level One.

6. Attach a copy of your original Level One complaint and any documentation submitted at Level One.

7. Attach a copy of the Level One response being appealed, if applicable.
   Signature of complainant:
   Signature of complainant’s representative:
   Date of filing:

Complainant, please note: A complaint or appeal form that is incomplete in any material way may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing a complaint or appeal.

Please keep a copy of the completed form and any supporting documentation for your records.
LEVEL THREE APPEAL NOTICE

To appeal a Level Two decision, or the lack of a timely response after a Level One conference, please fill out this form completely and submit it by hand delivery, electronic communication, or U.S. mail to the College President or designee and send a copy to the Director of Human Resources/Payroll within the time established in DGBA (LOCAL). Appeals will be heard in accordance with DGBA (LEGAL) and (LOCAL) or any exceptions outlined therein.

1. Name  __________________________________________

2. Address:  __________________________________________
   Telephone number:  ________________________________
   Email address:  ____________________________________

3. If you will be represented in presenting your appeal, please identify the person representing you.
   Name:  __________________________________________
   Address:  _________________________________________
   Telephone number:  ________________________________
   Email address:  ____________________________________

4. Who held the Level Two conference?
   Date of conference:  ________________________________
   Date you received a response to the Level Two conference:  ________________________________

5. Please explain specifically how you disagree with the outcome at Level Two.
   __________________________________________________

6. Attach a copy of your original Level Two complaint and any documentation submitted at Level One.
   __________________________________________________

8. Attach a copy of the Level Two response being appealed, if applicable.
   __________________________________________________

Signature of complainant:  ________________________________________
Signature of complainant’s representative:  ____________________________
Date of filing:  ____________________________

Complainant, please note: A complaint or appeal form that is incomplete in any material way may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing a complaint or appeal.

Please keep a copy of the completed form and any supporting documentation for your records.

LEVEL FOUR APPEAL NOTICE
To appeal a Level Two decision, or the lack of a timely response after a Level Three conference, please fill out this form completely and submit it by hand delivery, electronic communication, or U.S. mail to the College President or designee and send a copy to the Director of Human Resources/Payroll within the time established in DGBA (LOCAL). Appeals will be heard in accordance with DGBA (LEGAL) and (LOCAL) or any exceptions outlined therein.

9. Name

10. Address:

   Telephone number:

   Email address:

11. If you will be represented in presenting your appeal, please identify the person representing you.

   Name:

   Address:

   Telephone number:

   Email address:

12. Who held the Level Three conference?

   Date of conference:

   Date you received a response to the Level Three conference:

13. Please explain specifically how you disagree with the outcome at Level Three.

14. Do you want the Board to hear this appeal in open session? ☐ Yes ☐ No

   If yes, the Board will consider your request; however, you may not have a legal right under the Texas Open Meetings Act to require a meeting in open session.

15. Attach a copy of your original Level One complaint and any documentation submitted at Level One and a copy of your Level Two and Level Three appeal notices.

16. Attach a copy of the Level Three response being appealed, if applicable.

   Signature of complainant:

   Signature of complainant’s representative:

   Date of filing:

Complainant, please note: A complaint or appeal form that is incomplete in any material way may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing a complaint or appeal.

Please keep a copy of the completed form and any supporting documentation for your records.
Fundraising efforts on behalf of Midland College must

- Ensure maximum effectiveness in the total fundraising program of the College by assuring that college-wide strategic priorities are featured;
- Reduce or eliminate multiplicity of contacts with common fundraising prospects, thereby avoiding over-solicitation of individuals, businesses, foundations and organizations by college units;
- Utilize the resources of the Midland College Foundation and the Office of Institutional Advancement to assist in the successful execution of approved fundraising programs; and
- Ensure that Midland College Foundation, Inc. and Midland College policies are followed.

Approval for Solicitation
The Executive Director of Institutional Advancement/Midland College Foundation, Inc. and other staff in the Office of Institutional Advancement are available to consult with College departments and individual employees that wish to approach potential funding sources. The Executive Director of Institutional Advancement/Midland College Foundation, Inc., in consultation with the College President, will assess the appropriateness and timing of each solicitation in light of institutional priorities and any known financial commitments by those considered to be potential donors.

Student and employee deaths, retirements, anniversaries or significant dates and other events are often the impetus for a special appeal for funds to mark the occasion. These appeals may focus on establishing a scholarship in the individual’s honor or memory or funding some other form of tribute or commemoration. While the amounts sought through such special appeals are normally limited to friends and colleagues, these special appeals must be discussed and coordinated through the Office of Institutional Advancement prior to their initiation.

Fundraising activities for specific students and employees due to financial, health or other hardships must be approved by the Midland College President. Since these appeals are strictly to benefit the employee/students, approval and coordination of these activities is not handled through Midland College Foundation, Inc. nor the Midland College Office of Institutional Advancement.

Coordination with Midland College Foundation, Inc. and Office of Institutional Advancement
Individuals, corporations and other organizations often initiate contact with Midland College faculty and staff regarding funding opportunities. While individual staff and faculty members may answer questions and discuss gift opportunities with potential donors, these inquiries must be reported promptly, within 72 hours, to the Executive Director, Institutional Advancement/Midland College Foundation, Inc. Any complex questions such as those involving possible tax liabilities, testamentary gifts, asset valuation, trust arrangements or gifts of real property and mineral
interests are best referred to the Executive Director, Institutional Advancement/Midland College Foundation, Inc.

Private donors, individual or corporate, should be directed to make all gift checks payable to the Midland College Foundation and to mark the check for the intended use/restricted fund. All gifts and pledges to a Midland College program/department, whether solicited or unsolicited, that are sent directly to an employee or to the program/department must be promptly delivered with copies of any accompanying documentation (e.g., a letter, card or note) to the Midland College Foundation/Office of Institutional Advancement. Employees should report all non-cash gifts on the appropriate Midland College non-cash gift form, which can be obtained from the Office of Institutional Advancement.

Cash and non-cash gifts transmitted should include the following information:

- Name and full mailing address of donor(s)
- Purpose of the gift
- Fund/account in which the gift is to be placed, if known
- Original or photocopy of any correspondence accompanying the gift

**Recording and Acknowledgement of Gifts**

Staff in the Office of Institutional Advancement record, deposit and acknowledge all gifts to Midland College and the Midland College Foundation. This includes pledges of support as well as gifts of cash, securities, insurance policies, real estate, mineral interests and other non-cash gifts. All gifts are acknowledged in one or more ways depending on the size and type of gift and its designated purpose.

**Confidentiality**

Information obtained pertaining to any constituent of the College (personal/profile information, financial records, etc.) must be considered property of the Midland College Foundation, Inc., and, therefore, private and confidential. Anyone from the College engaged in the cultivation or solicitation process of any potential donor must keep any and all records private and in strict confidence. Staff in the Office of Institutional Advancement maintain all constituent profiles, ensure security of profiles and maintain confidentiality.

**Midland College Student Guidelines and Procedures**

Recognized Midland College clubs/organizations who meet specified registration criteria as outlined by the Midland College Office of Student Activities are permitted one fundraiser per calendar month.

All student fundraising requests must be approved by the Midland College Executive Director of Institutional Advancement and submitted to the Office of Student Activities 15 working days prior to the intended fundraiser date.
Authorization and Acknowledgement for Driver Record Check

(an additional form is required for out of state driver record checks)

A valid driver license must be presented along with this form to the Human Resources/Payroll office. Photocopies will not be accepted.

The purpose of this form is to obtain your authorization to conduct a three-year driver record check for the College’s use in determining if you will receive or maintain authorization to drive College owned, leased or rented vehicles or personally owned vehicles being used for College related business.

Subsequent driver record checks will be required annually or upon expiration of the employee or student’s driver license or more frequently if the Director of Human Resources/Payroll or designee determines that a more frequent check is necessary.

Driver Information

[ ] Employee  [ ] Student

Name:

________________________________________
First Name  Middle Initial  Last Name

Employee/Student ID:

________________________________________

Phone Number:

________________________________________

Email:

________________________________________

Title:

________________________________________

I authorize Midland College District to obtain driver record information from any state or jurisdiction that I have been licensed to drive motor vehicles and to share this information with appropriate College personnel. I hereby release Midland College District and any law enforcement agencies and other entities receiving a copy of this authorization form from any and all liability for the release of information to Midland College District. I hereby release Midland College District and any law enforcement agencies and other entities receiving a copy of this authorization form from any and all liability for the release of information to Midland College District.

I have received a copy of the Driver Eligibility and Vehicle Operation Regulation (Regulation). I understand that I am expected to read and adhere to the provisions contained within the Regulation. Driving privileges may be revoked for poor driving records or failure to comply with the College policies and administrative regulations as published in the employee handbook.

Signature: ________________________________ Date of Signature: _______________ M D Y

Notification of approval/denial will normally be emailed to you within three business days at your employee email address or the email listed above. Please note: Out of state driver records checks may take longer.

_________________________ ________________________________
HR:  [ ] DL COPY  [ ] MEDICAL CARD (CDL ONLY)  [ ] DRIVER LIST  [ ] DOT FILE (CDL ONLY)  [ ] EMAIL APPROVAL/DENIAL:

05/2019