

# MARION MILITARY INSTITUTE

## FACULTY/STAFF HANDBOOK



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## **MEMORANDUM #1 – President’s Philosophy, Guidance and Expectations**

DATE: October 1, 2023 (original issued 29 October 2013)

TO: Faculty and Staff of MMI

FROM: Colonel David J. Mollahan, President

As MMI president, this is my general policy statement that intends to shape and inform MMI policies. Represented are philosophies, guidance and expectations with regard to how our institution should operate and how I believe each of us should participate as a member of the MMI team.

These are born of my own experience in various leadership positions throughout my Marine Corps career, but I believe they are relevant in any setting where an organization of people aimed at a common mission functions to achieve that mission. The mission we have as an educational institution is so important and so essential that we owe it to our cadets, their families, and the country to do all we can to be the best people we can be, be the best at what we do, and work together to provide the best educational experience possible.

### **Basic Courtesy and Respect**

I believe that this is the foundation of good leadership and a well-functioning team. It all starts with the establishment of a work environment in which everyone is treated with courtesy and respect. Every individual deserves such treatment. Respect for human dignity is an elemental imperative in everything we do. This is a people profession, and people are our single most precious resource, and they must be treated in a manner that reflects this reality.

A work environment that tolerates sexual harassment, harassment or bullying, discriminatory behavior, gossip, innuendo, or any other such disrespectful activity cannot be allowed to exist. Not only is it wrong and unacceptable in the most basic sense, not only is it inconsistent with our ethos and mission as a higher educational institution imbued with military values, but it is also completely counterproductive to good team building and will lead to failure.

No organization can ever be truly great without mutual respect among its members. As an institution of higher learning, our mission is so important that we have to be great and to be great, we must function as an effective team. Good team building starts with each of us committing to the idea that basic courtesy and mutual respect are mission essential.

Adherence to high standards of courtesy and respect extends into the execution of our mission as well. As a professional service organization, basic courtesy and respect are essential in our daily dealings with those we serve and with whom we engage; our cadets, parents, guardians, alumni,

or any other constituents. Abrupt or disrespectful language or demeanor, failure to return phone calls, displays of impatience, etc., are all inconsistent with our mission to serve the needs of our cadets. How we treat each other is a measure of our character. How we treat our constituents is a measure of our professionalism.

### **Professional Respect**

Where basic courtesy and respect are things that each of us deserves, professional respect is something that each of us must earn. Professional respect is gained through demonstrated commitment to this institution and its mission, commitment to our respective positions and duties, commitment to the achievement of individual professional excellence. Those who work hard, who try to make a difference, who try to make themselves better as professionals, who try to contribute as much as possible to the greater good, and who tend to be more selfless than selfish are those who earn the most in terms of professional respect.

Within our institution, team building requires professional respect to cut across Departments. It is unacceptable that one Department operates at odds with another. We are one institution. No one Department is more or less important than another. Each Department has roles and responsibilities that are essential and are to be respected. Therefore, we must, on the one hand, respect each other's roles and responsibilities, but on the other hand, be able to work together and support one another across Department boundaries.

### **The 4 Cs: Communications, Coordination, Collaboration, Cooperation**

The key to effective organizational team building is found in its intra-organizational communications, and with that, the ability to keep each other informed. The senior leadership has a responsibility to pass on strategic guidance and information of general interest. Each supervisor at every level is responsible for doing the same within your area of responsibility. Each member is responsible for taking an active role in keeping apprised of information provided and for passing information up the chain of command as well as across it.

Inter-departmental communications ensure that actions, policies or decisions in one Department do not create unintended second and third-order effects in another Department or across the entire College. Always ask the questions: "What do I know, or what am I doing? Who else should know? And have I told them?"

All Departments must establish an active communications posture. Supervisors must keep members informed of Department and school activities, new policies, training opportunities, etc. Supervisors must also actively seek subordinate input on issues of concern, on ideas for better ways to do business, save money, etc.

A general attitude of cooperation and collaboration is necessary throughout MMI. We need to sustain a mindset that we are all part of the same team, the same family, that we are all on the same side trying to achieve the same mission collectively. We need to commit ourselves to a spirit of cooperation and active collaboration in our efforts to operate in a collective manner effectively. It is essential that we communicate, coordinate, collaborate and cooperate.

### **Expertise and Training**

Each of us must be an expert in our field. We must each seek to excel in our respective position with the aim of being the best there is in that position. To that end, training is an essential element. We are each expected to ensure that specified position training requirements are met and training opportunities that directly enhance expertise and job performance are pursued. Where scarce resources may limit off-site training, supervisors are expected to find other creative ways for training to be accomplished, either through online resources, in-house training, or guest trainers that can come on-site for the benefit of multiple employees.

Training is mission essential, and we are to exhaust all means to achieve the necessary training to ensure we each can perform our duties and execute our mission at the highest levels of professional competence possible.

Professional development is a planned process of enhancing the knowledge, skills, and competencies of faculty members in higher education. It is designed to help faculty improve their teaching, research, and service, and to stay up-to-date on the latest trends in their field. Professional Development can take many forms, including workshops, seminars, online courses, and mentorship programs.

### **Policies, Procedures, Guidelines, and Compliance**

As professionals, we are each expected to be educated on policies, procedures, and guidelines that govern our respective areas of work responsibility as well as those general responsibilities that come with being an employee of the State and MMI. Each Department must continually stress the importance of familiarity with operating procedures and policies in accordance with MMI, State, and Federal requirements. Each of us must have knowledge about how to access this kind of information and must be informed about the content of this information.

It is essential that all operations in every functional area of MMI are done in compliance with all guiding policies, procedures and guidelines. Knowledge and compliance are not only a part of being a professional but are necessary for the best possible functioning in our day-to-day operations and activities. At the same time, this allows us to successfully bear the scrutiny of inspectors and examiners that may be required to inspect our programs and operations from time to time.

## **Timeliness**

Timeliness in all things is the mark of a professional, and more fundamentally, it is a matter of simple courtesy. It is expected that all MMI events will start on time; meetings will start and end on time; due dates for tasks assigned will be met on time; reports required within MMI, by the State, or by the Federal government will be completed by the due date assigned, on time. When a due date will not be met, timely notification is expected to be given.

Cadets are expected to be at their appointed place of duty, whether it is for class, formation, athletic practice, duty, etc., on time. Accountability for failure to do this reinforces the development of their sense of exactness, attention to detail, and discipline.

In my view, lack of concern about timeliness, whether in a staff member or a cadet, is both selfish and disrespectful. It is also indicative of a lack of focus, self-discipline, and attention to detail and the mark of a sloppy and unprofessional attitude. Such an attitude is not in keeping with the high standards of professional performance expected of us all here at MMI.

## **Setting the Example**

Each of us can have an influence on our cadets. Everything we do, in every way we do it, must be done to the highest standards of personal and professional excellence. We must each be an example of maturity, responsibility, and dedication to duty. We must be an example of courteous and respectful attitudes on the personal level and in the workplace.

At the same time, we must each help to reinforce the ideas of personal accountability in the actions of each cadet we interact with. Unexcused absences, tardiness, sloppy uniforms, inappropriate language, and a disrespectful attitude all require each of us to confront and correct it wherever and whenever we see it and report it to the Commandant whenever deemed necessary for more formal accountability. Our cadets will never become responsible if they aren't held accountable.

The cadets will learn something about accountability, responsibility, standards, respect, courtesy, self-discipline, and leadership from every one of us they engage with. This is not only the domain of the Commandant and his staff, the Honor and Respect program, or the cadet leadership and character development program but the domain of everyone on this campus. Always set the example because they are always observing and learning. We want them to see and learn what is right because without learning this, their potential will be unnecessarily limited, and as educators, we will have failed them.



## **Passion**

Finally, our business of education requires passion. To be truly effective, each of us has to believe that our role is one that contributes to a greater good. In the case of MMI, this good is defined by our efforts to prepare our posterity to assume their place in the world; to become successful contributing members of American society; to assume their role as our country's next generation of leadership. No one at MMI has just a job. Rather, every one of us at MMI has a duty for a greater purpose, and that purpose is to provide a higher education to our cadets. Everything each of us does leads to this. It requires a passion for believing in this purpose, and with that passion will come a sense of contribution that makes each job more than a job and gives each of us the right to feel justly proud of what we do here. It is this pride that will drive us all to establish and sustain ourselves as a premier institution of higher learning. Without passion, we just get by; with it, we excel.

## **SECTION 1**

# **HISTORY, MISSION, GOALS, AND ORGANIZATIONS**

## **POLICY 1.1: ACCREDITATION**

Marion Military Institute is accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) to award the associate degree. Questions about the accreditation of Marion Military Institute may be directed in writing to the Southern Association of Colleges and Schools Commission on Colleges at 1866 Southern Lane, Decatur, GA 30033-4097, by calling (404) 679-4500, or by using information available on SACSCOC's website ([www.sacscoc.org](http://www.sacscoc.org)).

Note: This accreditation statement is published solely for accreditation-related purposes. Specific questions regarding Marion Military Institute's educational programs, admissions, financial aid, and other specific MMI related questions should be forwarded directly to the institution.

## **POLICY 1.2: HISTORY**

Marion Military Institute (MMI) is the nation's oldest military junior college, tracing its origins back to 1842 with the founding of Howard College in Marion, Alabama. During the Civil War, the Chapel and Lovelace Hall, both built in 1857, were used as Breckinridge Military Hospital, treating both Union and Confederate soldiers. Howard College remained in Marion until the Alabama State Baptist Convention made the decision to move the college to Birmingham, Alabama in 1887. It later became Samford University. At the time of the move, Colonel James T. Murfee was the Howard College president, a position he had held since coming to Marion in 1871 from the University of Alabama. Murfee, along with several of the faculty and trustees, chose to remain on the existing campus in Marion and formally establish MMI. He and the new MMI Board of Trustees developed and implemented institutional policies demanding high standards for the development of character, academic excellence, and military traditions, which have been the hallmarks of MMI ever since.

Hopson O. Murfee, MMI's second president, was one of the foremost advocates of a student-run government that focused on honor and ethics within the student body. Because of this, MMI was one of the first schools in the south to establish a student government association as well as an honor system, both of which are still very much a part of the Corps today. Under H.O. Murfee's leadership, the school achieved national recognition. William Howard Taft served as President of the Board of Trustees, and Woodrow Wilson, President of Princeton University at the time, was the featured speaker at the convocation held in the MMI chapel in 1905. In tribute to Woodrow Wilson and Princeton University, MMI's school colors were changed to orange and black, and the tiger was adopted as the mascot.

The Service Academy Program had its beginnings at MMI with the establishment of the Army-Navy department in 1910. The Army ROTC program was introduced in 1916 in response to WWI, and the Army ROTC Early Commissioning Program was established in 1968 at the height of the Vietnam War.

Until World War II, the campus consisted primarily of the Chapel and Old South (Lovelace) Barracks, both from the old Howard College era. The MMI campus currently encompasses over 160 acres and includes 38 buildings.

MMI continued as a private institution that included both a high school and a junior college governed by an MMI Board of Trustees until 2006, when the Alabama legislature voted to merge the institute into the Alabama Community College System. The high school was disestablished, and MMI became a military junior college only. Today MMI is a member college of the ACCS and is governed by the ACCS Board of Trustees. The legislation retained the original MMI Board of Trustees as the new MMI Foundation Board of Trustees and Advisors with the role of governing the MMI Foundation that supports MMI fundraising and houses the endowment. Additionally, this Board now provides advice and counsel to the MMI President and the ACCS. MMI is a member of the Association of Military Colleges and Schools of the United States and the National Junior College Athletic Association.

### **POLICY 1.3: MISSION STATEMENT AND VISION STATEMENT**

#### **Mission**

Marion Military Institute, a two-year public institution of higher learning, educates and develops cadets as future leaders through an immersive experiential environment that integrates intellectual, leadership, character and physical development in order to prepare them for success in four-year colleges, U.S. service academies, and in military and civilian careers.

#### **Vision**

Marion Military Institute will be nationally recognized as the premier leader development college of Alabama with whole cadet enrichment through an immersive and intentional experiential learning environment, a relevant, rigorous and robust academic program and character and leadership education development system.

### **POLICY 1.4: INSTITUTIONAL GOALS**

**Goal 1: Academic Programs** – MMI will enhance its academic and instructional program through improvement of the physical classroom environment, facilitation of credit transfers upon graduation, establishment of an online instructional platform, and increased efforts to attract and retain highly qualified faculty.

**Goal 2: Leadership, Character and Career Development** – MMI will develop future leaders using a four-pillar model to advance leadership, character, and career development. These Pillars are, I: Moral and Ethical Education Training, II: Leadership Education and Training, III: Physical and Mental Readiness Training, and IV: Career Development and Engagement. By design, the integration of these pillars will prepare each cadet for success at four-year

institutions, service academies and other career opportunities. MMI will accomplish this by increasing opportunities for staff and faculty professional development, cadet leadership and athletic opportunities, satisfaction with residential life, career opportunities and general cadet welfare.

**Goal 3: Enrollment** – MMI will continue to achieve enrollment growth by identifying key factors to reduce student attrition and implement seminal recruiting strategies to increase new cadet enrollment for an achievable and sustainable enrollment count of 450 by Fall 2021.

**Goal 4: Facilities, Infrastructure, Safety and Security** – MMI will continue to improve existing campus facilities in the areas of safety, security, technology, and deferred maintenance. MMI will create a pathway to a 21<sup>st</sup> Century Campus with a focus on safety and security while continuing to respect our rich history.

**Goal 5: Resources** – MMI currently has four revenue sources: state appropriations, enrollment revenue, auxiliary services revenue and support from the MMI Foundation. Ways that MMI continue to expand and diversify its resource base are 1) obtaining additional state funding; 2) identifying ways to increase the revenue stream brought in by auxiliary services; 3) developing a fundraising and development plan in collaboration with and/or through the MMI Foundation and the Office of Enrollment Management to increase private giving and impact enrollment revenue; and 4) exploring a recurring federal allocation, which would add a fifth revenue source.

## **POLICY 1.5: ADMINISTRATION OF THE COLLEGE**

### **President**

The President is the chief executive officer and is responsible to the Chancellor for the day-to-day operation, management, control, supervision, maintenance, regulation, and improvement and advancement of MMI. The President is responsible for operating MMI within Alabama Community College Board of Trustees policy and all applicable state and federal laws, and to ensure institutional compliance with all appropriate accreditation requirements as a member of the Southern Association of Colleges and Schools Commission on Colleges. The President also serves as the Vice-Chairman of the Alabama Military Hall of Honor Board of Directors and as MMI's primary representative for MMI membership in the Association of Military Schools and Colleges of the United States (AMCSUS).

### **Senior Vice President, 2<sup>nd</sup> in Command/Commandant of Cadets**

The Commandant of Cadets dual-hats as the Senior Vice President. The Commandant is the chief administrative officer for student affairs and services and the advisor to the President regarding cadet development and support. Responsibilities include administration, discipline, health, welfare, safety, security, and character and leadership development of all MMI cadets.

Responsibilities also include planning, coordination and execution of general daily operations, activities, and special events, as well as development, execution and oversight of the MMI Corps of Cadets. As the next most senior officer under the President, the Senior Vice President/2<sup>nd</sup>-in-command function serves to lead cross-staff special projects as directed, and also serves as the President's stead in the President's absence or as may otherwise be required. The Commandant of Cadets also has oversight of the Anthony J. Rane Center for Leadership, which includes the First Responder Program and the emerging Civil Aviation Program, as well as oversight for the preparatory military career track programs including the Service Academy Program, Marine Corps PLC Program, AFROTC, and NROTC.

#### Chief of Staff /Vice President for Institutional Advancement/MMI Foundation Executive Director

The Vice President for Institutional Advancement and Chief of Staff is responsible for all matters related to fund-raising, alumni affairs, donor relations, government relations, strategic engagement, and public information and relations. Responsibilities also include directing and overseeing all policies, objectives, and initiatives regarding the MMI Foundation and the Presidential Advisory Council, and supervising the Executive Director for the MMI Alumni Brigade. As the third most senior officer of the President's staff, the Chief of Staff function serves to ensure all issues, initiatives and other activities requiring the MMI President's awareness and/or decisions from the various departments has been vetted before engaging the President. The Chief of Staff also serves as the center-point for coordination with outside entities and constituencies for various projects and initiatives as directed.

#### Chief Academic Officer

The Chief Academic Officer is responsible for oversight of MMI's academic programs, faculty, instructional support requirements, and accreditation requirements.

#### Director of Athletics

The Director of Athletics is responsible to the President for the day-to-day management, supervision, administration, promotion and development of MMI's intercollegiate athletic programs. Responsibilities include athlete recruiting, retention and academic success; supervisory oversight of the coaching staff; oversight of all athletic compliance requirements; and management of all athletic facilities.

#### Director of Human Resources/Title IX Coordinator

The Director of Human Resources/Title IX Coordinator performs professional duties in supporting the College's personnel administrative functions and requirements in accordance with

ACCS personnel policies and procedures; and additionally, the College's compliance with state and federal Title IX mandates, policies, procedures and guidelines.

#### Director for Enrollment Management

The Director for Enrollment Management is responsible for oversight of student recruitment, application, admission, and other general enrollment functions of the College. Responsibilities include strategic enrollment planning and execution to meet the enrollment goals established by the College support viability of various programs as well as the Corps of Cadets overall.

#### Director of Facilities

The Director of Facilities is responsible for the supervising and management of maintenance, upkeep, enhancement and modernization of all facilities and grounds in compliance with state and ACCS laws, policies, and procedures. The Director further supervises all facilities support staff as well as transportation staff, and oversees sustainment of general use transportation assets.

#### Director of Information Technology

The Director of Information Technology is responsible for upkeep and upgrades of all College communication systems including computer hardware, software, telephone systems, website, internet, computer/database security, teleconference equipment, and audio-visual systems.

#### ACCS Regional Director of Accounting for MMI

The ACCS Regional Director of Accounting (RDA) provides shared-services supervisory support for the MMI business office but is a member of the ACCS staff. The RDA work directly with the President for all tasks normally associated with an organizational Chief Financial Officer. The RDA also provides direct oversight of the MMI business office staff and operations.

#### Army ROTC Detachment Commander/Professor of Military Science

The Army ROTC Detachment Commander/PMS is the senior military officer in charge of the Army ROTC Detachment that is hosted by MMI. The PMS reports directly to the Commanding Officer, 1st Brigade, U.S. Army Cadet Command (USACC). The PMS works directly with the President and MMI staff to ensure coordination and execution of all activities regarding the Army ROTC Early Commissioning Program (ECP). Responsibilities include ECP recruiting, retention, military education and training, physical training, academic success and conduct accountability. Additionally, the PMS provides general military support to MMI and the Corps of Cadets by providing military science courses, military training activities, demonstrations, and other military support as may be agreed upon for the benefit of MMI's immersive military

model; MMI's academic, leadership and character education mission, as well as MMI's strategic plans and initiatives.

### Executive Staff

The Executive Staff is the equivalent of the President's cabinet. It provides for leadership, supervision, and management of the most senior departments with broad functional and budget management responsibilities. Executive Staff are department heads who report directly to the President.

The Executive Staff will, at a minimum, include: the President; the Senior Vice President and Commandant of Cadets; the Chief of Staff /Vice President for Institutional Advancement/MMI Foundation Exec. Director; Chief Academic Officer; Director of Athletics; Director of Human Resources/Title IX Coordinator; Director of Enrollment Management; Director of Facilities; and Director of Information Technology.

Also included as invited members of the Executive Staff are the ACCS Regional Director of Accounting for MMI, and the Army ROTC Detachment Commander/Professor of Military Science (PMS). Neither of these positions are members of MMI's staff, but have a very close working relationship with MMI.

Executive Staff will meet regularly, usually once a week, to ensure effective cross-staff communications and coordination for day-to-day operations as well as future plans and events. The President will chair these meetings, and the Senior Vice President may chair as necessary in the President's absence. Executive Staff, as MMI's senior leadership, will be expected to set the standards of performance and professionalism within their respective departments.

Executive Staff may also conduct off-site meetings/conferences on occasion as deemed necessary to discuss, adjust, develop, and/or resolve strategic-level issues, priorities, projects, and/or plans. Selected additional members from the Senior Staff may also be included in these meetings/conferences as determined necessary by the President.

Executive Staff will be expected to attend college social functions, commencement exercises, guest speaker events, receptions, Parents Weekend, Alumni Weekend, and other events as may be directed by the President in order to set an example for the College, assist with strategic engagement efforts, or provide for a professional atmosphere of welcome and hospitality.

### Senior Staff

The Senior Staff includes subordinate program directors or senior deputies/assistants/officers within a department and who report to the department head/Executive Staff member. Senior Staff include: the Director of Service Academy Program; Assistant IT Director; Director of



Alumni Affairs; Maintenance Supervisor; Public Information Officer; Chief Instructional Officer; Director of the Anthony J. Rane Leadership Center; the Deputy Commandant of Cadets; Senior Accountant; Assistant Director of Enrollment; and Director of Financial Aid. Others as may be considered organizationally appropriate on a case-by-case basis.

#### Succession of Authority

In the President's absence the Senior Vice President will chair Executive Staff meetings, attend President's meetings and conferences, and execute selected administrative duties as may be required and agreed upon with the President. The Chief of Staff will assume this role in the event of the absence of both the President and the Senior Vice President.

### **POLICY 1.6: ALABAMA COMMUNITY COLLEGE SYSTEM BOARD OF TRUSTEES**

<b>Alabama Community College System</b>	
Governor Kay Ivey President	
Mr. J.E.B Shell	District 01 Representative
Mr. John Mitchell	District 02 Representative
Ms. Valerie Gray	District 03 Representative
Mr. Britton Lightsey	District 04 Representative
Mr. Goodrich 'Dus' Rogers	District 05 Representative
Mr. Ron Houston	District 06 Representative
Mr. Llevelyn Rhone	District 07 Representative
Mr. Tim McCartney	Member-at-Large
Dr. Yvette Richardson	Ex officio
<b>Alabama Community College Systems</b>	
Mr. Jimmy H. Baker Chancellor	

## **SECTION 2**

### **COLLEGE COMMITTEES**

## **POLICY 2.1: COLLEGE COMMITTEES**

### Admissions Committee

The purpose of the Admissions Committee is to rule on the eligibility of students requesting admission to the College, such as students who fit one or more of the following criteria:

1. Transfers from other institutions with academic suspension, dismissal, or disciplinary records.
2. Students requesting reinstatement to the College after suspension/dismissal due to academic citizenship issues.

### Academic Appeals Committee

The purpose of the Academic Appeals Committee is to consider appeals brought by students who meet one or more of the following criteria:

1. Students who dispute a course grade and who have exhausted other avenues of appeal per the “Appeal of Course Grade” policy.
2. Students who wish to appeal academic suspension.

### Academic Assessment Committee

The purpose of the Academic Assessment Committee is to supervise academic assessment efforts and monitor the effectiveness of MMI’s academic programs and courses.

### Academic Council/Curriculum Committee

The Academic Council, composed of academic and professional faculty and staff and chaired by the Academic Dean, is the principal policy-making and advisory body on all matters related to and affecting teaching and educational programs at Marion Military Institute. It is also responsible for ensuring academic quality.

Members of the Academic Council will include:

- Chief Academic Officer (ex-officio)
- Chief Instructional Officer
- Department Chairs for Humanities; Mathematics and Natural Science; History and Social Science
- Director of the Library
- Director of Athletics
- Professor of Military Science
- Registrar (ex-officio)
- Director of Institutional Research (ex-officio)

### Scholarship Committee

The purpose of the Scholarship Committee is to screen and review scholarship applications. The Committee, appointed by the President, is charged with the following responsibilities:

1. Assure the most comprehensive financial assistance program possible through maximum use of Title IV funds, veterans' benefits, and institutional and foundation funds;
2. Regularly review all policies and procedures concerning all scholarship/financial aid programs and make recommendations to the President for adjustments, as needed;
3. Recommend to the President the appropriate distribution and awards of all institution and foundation-controlled scholarship and financial aid resources.

### Financial Aid Appeals Committee

The purpose of the Financial Aid Appeals Committee is to consider appeals from cadets whose financial aid has been suspended due to unsatisfactory academic performance. The committee is appointed and convened by the Director of Financial Aid.

### Institutional Effectiveness Committee

The purpose of the Institutional Effectiveness Committee is to advise the President on matters related to the review of the College's mission, vision, and goals. Additionally, the committee, which is appointed by the President, evaluates the College's progress in the implementation of the strategic plan.

### Campus Safety & Security Committee

MMI's Safety Committee is responsible for ensuring that appropriate health and safety standards are maintained and that appropriate federal and state statutes are observed. The membership shall include:

- Senior Vice President for Student Affairs/Commandant of Cadets
- Director of Facilities and Operations
- Chief of Security
- Cadet Representative

### Campus Emergency Response Team (CERT)

MMI's Campus Emergency Response Team (CERT) is responsible for crisis management. The membership shall include:

- President
- Senior Vice President/Commandant of Cadets

- Chief Academic Officer
- Comptroller
- Superintendent of and Grounds
- Director of Facilities and Operations
- Chief of Security
- Public Relations Coordinator
- Cadet Representative

### Student Success and Retention Committee

The Mission of the Marion Military Institute Student Success and Retention Committee is the responsibility for early identification of at-risk cadets due to academic, conduct and/or social related issues. The committee is expected to recommend actions that are intended to provide for a path to success and avert a retention loss, and then review and monitor the effectiveness of the actions. This committee will also continually assess and monitor overall general cadet success and satisfaction trends that tend to lead to retention losses and devise recommended strategies and solutions that will reduce these losses in order to increase retention. Specifically, the Committee will:

1. Meet on a regular basis to review all cadets considered at risk due to academic, conduct, social or other issues;
2. Determine actions steps to assist at-risk cadets to avert a retention loss;
3. Continue monitoring progress of identified at-risk cadets;
4. Review, evaluate, and monitor all college data relevant to persistence, retention and attrition, including student departures due to academic, disciplinary, medical, and self-initiated reasons;
5. Facilitate open communication with all campus departments to research and understand retention issues from the purview of each department;
6. Develop action steps designed to enhance retention and reduce attrition, in accordance with the senior administration and, when appropriate, provide assistance in the implementation of such initiatives;
7. Assist departments in their efforts to maintain and enhance current programming and processes that have shown to be effective in increasing cadet retention; and
8. Regularly report to the President on the committee's findings, efforts, recommendations and outcomes.

## **SECTION 3**

### **COMPLIANCE WITH FEDERAL LAW**

## **POLICY 3.1: AMERICANS WITH DISABILITIES ACT (ADA)**

### **COMPLIANCE WITH FEDERAL LAW AMERICANS WITH DISABILITIES ACT EMPLOYEE REQUEST FOR ACCOMMODATION**

The Americans with Disabilities Act prohibits discriminating against individuals with disabilities. The ADA also prohibits retaliation against an employee for taking any action pursuant to the Act.

**Definition of Disability:** The ADA states that an individual is disabled if s/he:

- has a physical or mental impairment that substantially limits one or more of the individual's major life activities;
- has a record of such impairment; or
- is regarded as having such an impairment

**Definition of Qualified Individual:** The term "qualified individual with a disability" means:

- an individual with a disability,
- who can perform the "essential functions" of the employment position?
- with or without reasonable accommodation.

Employers are required to provide reasonable accommodation to the known limitation(s) of a person with a disability, as defined by the ADA.

In order to establish the existence of a disability and request reasonable accommodation under the ADA, an employee must complete and submit a Request for Disability Accommodation Form to Human Resources.

Employees seeking a reasonable accommodation under the ADA must follow the Employee Accommodation Procedures.

### **AMERICANS WITH DISABILITIES ACT EMPLOYEE ACCOMMODATION PROCEDURES**

- 1. Documentation of Disability:** When submitting a Request for Disability Accommodation Form, the employee must provide documentation of the disability from an appropriate health care provider. The employee will be required to sign a Medical/Health Care Information Release Form, so that the health care provider can provide the College with the appropriate documentation.

Upon request, the department chair, supervisor, or cabinet member will provide a written description of the essential functions of the job, which may include the mental and physical demands of the employee's job.

It is the employee's responsibility to ensure that the medical documentation/information requested is provided.

- 2. Temporary Accommodations:** After consultation with the employee, department chair, supervisor, or cabinet member, temporary accommodation may be provided pending receipt and evaluation of the documentation of the disability.
- 3. Evaluation of Documentation:** Upon receipt of documentation from an employee's health care provider, a determination will be made as to whether the employee has a disability as defined by the ADA, and if the employee can perform the essential functions of the position with or without reasonable accommodations.
- 4. Final Determination and Notification to Employee:** The College has the authority to make the final determination regarding what accommodation, if any, is appropriate. When a final determination is made, the Director of Human Resources will send written notification to the employee of the determination, whether an accommodation has been granted, and if so, will specify what accommodation has been granted. Notification will also be given to the department chair, supervisor, and cabinet member.
- 5. Right to Appeal:** If an accommodation is denied, the employee may submit a notice of appeal to an appeals committee, appointed by the President which will consist of 5 members of the College faculty and staff, within seven (7) working days of receipt of the written accommodation decision.

### **POLICY 3.2: DRUG-FREE WORKPLACE POLICY**

In compliance with the provisions of the federal *Drug-Free Workplace Act of 1988*, and the *Drug Free Scholar and Communities Act of 1989*, institutions under the direction and control of the Alabama Community College System will take such steps as are necessary in order to provide a drug-free environment in accordance with these Acts.

The faculty and administration of Marion Military Institute are firmly committed to the safety and health of students and staff. The influence of alcohol and other drugs in the workplace are detrimental to the College's ability to provide a healthy learning environment. Therefore, the distribution, sale, purchase, use, possession, or reporting to class or work under the influence of



intoxicants, non-prescribed narcotics, hallucinogenic drugs, marijuana, or any other illegal or controlled substance while on school property is strictly prohibited and illegal. Furthermore, the administration hereby notifies all employees, students, outside contractors, or any other persons on school property of its intention to enforce this policy through testing and/or search. If a party exhibits behavior that would cause the faculty or administration to believe or witness distribution or use of an illegal substance or alcohol, appropriate action will be taken.

Any employee of Marion Military Institute that is injured at work or in the course of employment will be tested for drugs and alcohol and if impaired, may not be paid benefits under the Alabama Workers' Compensation Law if the injury is a result of an accident caused by drug or alcohol impairment. An employee who refuses to submit to, or cooperate with, a blood or urine test after an accident forfeits his/her rights to Workers' Compensation benefits under Alabama Code 25-5-51 and is subject to disciplinary action up to and including termination.

Alcohol may be served on campus, as approved by the President or his designee, for specified social activities or events.

**Reference ACCS Board of Trustees Policy 613.01: Drug-Free Workplace.**

**POLICY 3.3: EQUAL OPPORTUNITY IN EDUCATION AND EMPLOYMENT**

The ACCS Board of Trustees and the entities under its direction and control are equal opportunity employers. It is their policy to provide equal opportunity for employment and advancement to all applicants and employees without regard to race, color, national origin, religion, age, disability, marital status, or gender, as provided in federal and state law.

**POLICY 3.4: FAMILY EDUCATION RIGHTS AND PRIVACY ACT (FERPA)**

All Marion Military Institute (MMI) employees have the responsibility to protect the rights of students afforded them under the Family Education Rights and Privacy Act of 1974 (FERPA). The Act provides students with the right to inspect and review education records, seek to amend those records, and limit disclosure of information from the records. The Act applies to all institutions that are recipients of federal aid administered by the Secretary of Education. The following are provisions of FERPA, with specific application to MMI faculty and staff.

1. Faculty members are not to disclose any restricted information about a student to anyone outside of the College. The only exception to this policy occurs when the Registrar has

informed the faculty that a student has signed a release, indicating that restricted information may be shared with a specific person.

2. Grades are not to be posted in any public manner.
3. It is the supervisor's responsibility to ensure that work-study students who have access to anything other than student directory information are informed of the seriousness of revealing student information to other parties.
4. Faculty and staff members must NOT share any access code to any other person without specific authorization. A student should never have access to a faculty or staff members log-in information.

### **POLICY 3.5: HARASSMENT AND DISCRIMINATION**

1. Marion Military Institute is committed to providing both employment and educational environments free of harassment or discrimination related to an individual's race, color, gender, religion, national origin, age, disability, or any other protected class. Such activity is a violation of MMI policy, ACCS Board of Trustees policy, as well as relevant state or federal law. Employees shall adhere to the highest ethical standards and professionalism and refrain from any form of harassment. Both employees and students shall strive to promote an environment that fosters personal integrity where the worth and dignity of each human being is respected. Any practice or behavior that constitutes harassment shall not be tolerated.
2. Harassment can be defined as but is not limited to:
  - Disturbing conduct which is repetitive;
  - Threatening conduct;
  - Intimidating conduct
  - Inappropriate or offensive slurs, jokes, language, or other verbal, graphic, or other like conduct;
  - Unwelcome sexual advances, requests for sexual favors, or sexual-based offenses;
  - Assault;
  - Repeated contact solicited during non-traditional business hours may be perceived as harassment by the recipient unless it is specifically associated with work-related duties.
3. Employees and students who are found in violation of this policy shall be disciplined as deemed appropriate by the investigating authority.

4. Harassment of employees or students by non-employees is also a violation of this policy.
5. This Policy encourages faculty, students and employees who believe that they have been the victims of harassment to contact the Title IX Coordinator, Human Resources Director/Coordinator or President at the institution within ten days of when the alleged incident occurred. Any reprisals shall be reported immediately to the Title IX Coordinator, Human Resources Director/Coordinator or President. Any employee or student who becomes aware of any harassment shall report the incident to the Title IX Coordinator, Human Resources Director/Coordinator or President. Failure to act, which includes initial investigation, shall be deemed in direct violation of this policy.
6. This policy shall be distributed, communicated, and implemented in a manner which provides all interested parties the opportunity to be informed of this policy. A system-wide educational program shall be utilized to assist all members of the community to understand, prevent and combat harassment. Each community and technical college is required to provide annual training related to harassment, including sexual harassment.
7. Complaints or Reports concerning sexual harassment should be made, processed and addressed according to Policy 620.03-ACCS Sexual Harassment Complaint Procedures.

**Reference Alabama Community College System Policy 601.04 Harassment**

# **SECTION 4**

## **PERSONNEL POLICIES AND PROCEDURES**

## **POLICY 4.1: HIRING PROCESS**

The purpose of this policy is to provide for consistency, structure, and fairness in the hiring process and to ensure compliance with the Alabama Community College System Board of Trustees Policy and Procedure 602.02: Posting and Hiring.

- I. Posting: The President of each Marion Military Institute shall post notices for all personnel vacancies, full-time and part-time, temporary and non-temporary, for all salary schedules, except those for President.

All vacancy notices shall be posted on the institution's website at least seven (7) calendar days before the position is to be filled, and a minimum of fourteen (14) days when the vacancy is supervisory, managerial, or newly created.

- II. Notice of Vacancy: The vacancy notice shall include, but is not limited to, the following:

- A. Job description;
- B. Title;
- C. Required qualifications;
- D. Salary schedule;
- E. Amount of Pay;
- F. Posting Date;
- G. Information on where to submit an application;
- H. Information on any deadlines for applying;
- I. A contact telephone number for questions;
- J. Any other relevant information.

- III. Internal Posting: Internal postings are permitted to fill a current institutional position with a current institutional employee. These notices must be posted in accordance with Section I before the position is to be filled.

- IV. Continuous Posting: For adjunct instructors, tutors, and part-time, on-call, or hourly employees only, a continuous vacancy notice may be posted on the institution's website and may state "open until filled." However, if a continuous vacancy notice has not been posted at least 7 days prior to hiring, these positions must be posted in accordance with Section I.

- V. Temporary/Interim Positions: Temporary/interim positions may be selected at the discretion of the President but must be for a duration for one year or less. Not extension beyond one year may be granted without the written approval of the Chancellor. Notices for temporary/interim positions must be posted in accordance with Section I.
- VI. Hiring: The President is responsible for all searches and documentation thereof and retains all hiring authority for positions at the college, except the Presidency.
- VII. Internal Employee Transfers: The procedures and guidelines for transfers of employees are included in the Students First Act. Refer to the Students First Act for complete information.

In order to request the approval of a lateral internal transfer, the President sends a letter of request to the Chancellor with a detailed description of the transfer. The letter must include a narrative description and justification of the proposed changes. The following documents must also be included as attachments to the request letter:

- a. Lateral Internal Transfer form
- b. Current job description
- c. Proposed job description
- d. Notice of intent to transfer letter
- e. Internal position announcement
- f. Notice of transfer decision letter

Upon receiving the Chancellor's approval of the transfer, the employee must receive the notice of intent to transfer letter and the position must be posted internally for a minimum of fourteen (14) calendar days. The notice of intent to transfer letter requires a fifteen (15) calendar day waiting period which may occur simultaneously with the fourteen (14) calendar days of the internal posting. Once the initial fifteen (15) calendar days waiting period and posting period have expired, the employee must receive the notice of the transfer decision which also requires a fifteen (15) calendar day waiting period. The transfer will not be effective until such time as the Chancellor's approval is received and the required posting and notification processes have occurred.

Positions that have not been filled through a regular search process are not eligible for transfers. Positions or duties that do not currently exist at the institution are not eligible

for transfers. Consult with Alabama Community College System Office Human Resources or the Office of the General Counsel for guidance prior to requesting the approval of a transfer.

- VIII. Reorganizations: Temporary employees cannot be reorganized into a non-temporary position. Positions which have not been filled through a regular search process are not eligible for reorganization.

In order to request the approval of a reorganization, the President sends a letter of request to the Chancellor with a detailed description of the reorganization. The letter must include a narrative description and justification of the proposed changes as well as the proposed effective date. The President's letter of request shall certify that the reorganization is necessary and appropriate to expand, realign, or otherwise modify the reorganized position for legitimate reasons not related to discriminatory reasons, such as race, gender, or disability. The President's letter shall include a Reorganization of Positions form.

Upon receiving the Chancellor's written approval of the reorganization, the reorganization will be effective without the reorganization being considered as a vacancy for which posting is required.

#### Appointment and Assignment of Personnel

The President shall appoint the faculty and staff of the institution and shall make assignments of faculty and staff. Faculty and staff will be appointed according to the qualifications and policies approved by the Alabama Community College System Board of Trustees and the credentials, experience, and/or demonstrated competencies determined by the President. Any appointment or assignment of personnel determined to be contrary to any statute, ACCS policy or procedure, or college policy may be reversed, and the Chancellor will be notified of any reversals of appointments or assignments resulting from this policy.

A full-time consenting employee may be transferred from one college to another college, from the Alabama Community College System office to a college, or from a college to the Alabama Community College System office with the agreement of both the transferring and receiving Presidents or Chancellor, and with the approval of the Chancellor.

A full-time Alabama Community College System office employee seeking transfer to an institution must submit a written request for transfer and receive written approval from the receiving President and Chancellor. A full-time institution employee seeking transfer to the System office must submit a written request for transfer and receive written approval from the transferring President and the Chancellor.

#### Offers of Employment

The President may offer employment for one semester, two semesters, a summer term, or a full calendar year as appropriate to librarians, counselors, instructors, and other employees provided there is sufficient enrollment and funds are available.

**Reference Alabama Community College System Policy 602.01: Appointment and Assignment of Personnel; 602.02 Posting and Hiring; 602.04: Internal Employee Transfers; 602.05: Reorganizations; 603.01: Offers of Employment**

#### **POLICY 4.2: CLASSIFICATION OF PERSONNEL AND COMPENSATION**

A faculty member is a full-time instructor, library director, or counselor who meets qualifications established by the Alabama Community College System and whose salary is derived from Schedule D, as adopted by the Alabama Community College System.

An administrator is any professional staff person whose salary is determined from Schedules A, B, C-1, C-2 or C-3, as adopted by the Alabama Community College System.

A support person is any support or technical staff person whose salary is determined from Schedules C3, E, H, or L, as adopted by the Alabama Community College System and/or Marion Military Institute, or who is paid on an hourly basis.

With the exception of the President, personnel employed at MMI shall be paid according to salary schedules adopted by the Alabama Community College System Board of Trustees and from local salary schedules adopted by the college. All salary schedule exceptions must be approved by the Chancellor.

The President of the college may designate supplements as established in the Board of Trustee's approved salary schedules for extra duty pay. The President may designate additional supplements based on unique and compelling circumstances, subject to the Chancellor's written



approval. Additional supplements awarded without prior written approval from the Chancellor will be deemed invalid and subject to return.

**Reference Alabama Community College System Policy 606.01: Compensation for Alabama Community College System Personnel; 606.03: Salary Schedule Exceptions; 606.05: Supplements or Extra Duty Pay**

#### **POLICY 4.3: CONFLICT OF INTEREST AND ETHICS**

1. Honesty and professional integrity are expected of all employees. It would be a serious violation of this trust if the interests of any institution under the direction and control of the Board of Trustees were to be disregarded in the course of performing professional duties. The use of official position and influence to further personal gain or that of families or associates is unacceptable behavior.
2. All employees have the right to acquire and retain status of a professional, personal, or economic nature. In a community as diverse and complex as the institutions that comprise the Alabama Community College System, there is always the possibility that the pursuit of individual interest may result in a conflict with those of the employing institution. This places an important responsibility on faculty and staff to recognize potential conflicts and prevent them. It is not expected that every employee will have a complete and current knowledge of the laws and regulations that apply to conflict of interest. However, all persons, particularly those with significant exposure to potential conflict of interest situations, should develop a sensitivity to this issue and seek guidance when appropriate.
3. Full-time employees may engage in outside employment provided that such activity: (a) does not interfere with the performance of other responsibilities as an MMI employee; (b) does not require use of MMI resources or facilities.
4. In an effort to identify potential conflicts, each institution is responsible for developing procedures that require employees to notify the institution of activities in which they engage that might interfere with the performance of their job responsibilities or that diminishes the value or inhibits the operation of the institution.

## **POLICY 4.4: EMPLOYMENT OF RELATIVES**

Marion Military Institute complies with ACCS Board of Trustees Policies and Procedures 205.03: Employment of Relatives; 205.04: Disclosure of Employment of Relatives; and 205.05: Supervision and Evaluation of Relatives, relative to the employment of relatives. All applicants for employment must disclose certain relationships to employees in the Alabama Community College System or to any member of the Board of Trustees.

Upon initial employment, all employees must complete a Family Relationship Disclosure Form. A revised form must be completed within 15 days of a change of circumstances relating to this information. Additionally, a revised form must be completed if an employee changes positions at the College (See Appendix A).

All applicable relationships will be reported to the Chancellor's office, as required, to be reviewed for possible conflicts of interest.

## **POLICY 4.5: CRIMINAL BACKGROUND CHECKS**

### **DEFINITIONS**

For purposes of this policy, the following definitions are utilized:

**Alabama Resident** –a person with a current Alabama address and a current/unexpired Alabama issued State ID (such as a driver's license or State of Alabama issued ID Card); or an **Exempted State Resident**.

**Georgia Resident** –a person with a current Georgia address and a current/unexpired Georgia issued State ID (such as a driver's license or State of Georgia issued ID Card).

**Exempted State Resident** – The ACCS Safety and Security Office has the authority to grant certain state residents an exemption from a more detailed fingerprint background check in some cases where the state resident's court information becomes available electronically, and those individuals will be treated as Alabama Residents for purposes of this rule.

**New Hire:** An employee hired in any position with the College on or after July 1, 2024, to include current employees hired into a different position. Examples of a New Hire include but are not limited to: a new adjunct, an internal candidate who moves to a different position (but not transferred, reorganized, or appointed), a new temporary employee, a new part-time employee, a

new work-study student employee, a new grant employee, a new employee hired on Salary Schedule H, E, D, C, B, or L, or a new contract employee.

**New Volunteer:** a person the College seeks to allow to volunteer at the College on or after July 1, 2024, regardless of whether the person volunteers at another ACCS institution.

**Previous Hire:** a current employee at the College who has not changed position or separated from the College since being hired in some capacity prior to July 1, 2024.

**Previous Volunteer:** a current volunteer at the College who began volunteering in the same position at the College before July 1, 2024.

### **GENERAL POLICY**

Employment and volunteer service is and shall remain contingent upon an acceptable background check as determined by the College President or his designee in accordance with ACCS Policy 623.01.

By or before July 1, 2024, every **New Hire** or **New Volunteer** at the College shall undergo a background check, unless exempted under this policy.

**New Hires or New Volunteers** for whom background checks are to be completed will be required to sign an ACCS-provided standard Consent, Release, and/or Authorization Form (hard copy or electronic form in NeoEd).

Further, any **New Hire** or **New Volunteer** *under the age of 18* shall require parental/guardian consent on the Consent, Release, and/or Authorization Form for a background check.

**New Hires or New Volunteers**, at the College, who:

- Work/Volunteer in the Law Enforcement or security department, or
- Do not meet the definition of an **Alabama Resident/Georgia Resident/Exempted State Resident**, or
- Have unescorted access to criminal justice records

will be subject to a more detailed fingerprint-based background check prior to employment/ volunteering as determined by the ACCS Safety and Security Office.

Vendors must perform background checks of their employees that have or will have regular contact with students.

## **EXEMPTIONS FROM BACKGROUND CHECKS**

**Previous Hires** and **Previous Volunteers** (as defined above) are exempted from background checks at the College under this policy, unless the college has reasonable suspicion that an employee or volunteer has been convicted of a felony or a crime involving moral turpitude.

## **CONVICTION OF FELONY OR CRIME INVOLVING MORAL TURPITUDE**

Employees or Volunteers, whether new or previous, convicted of a felony or crime involving moral turpitude will not be eligible for new or continued employment or volunteering except with the President's approval. Factors to be considered by the President in determining whether the individual is suitable for employment or volunteering, include, but are not limited to:

- a. The proximity or remoteness in time of the conduct,
- b. The risk of harm to persons or property of the institution,
- c. The nature of the crime and likelihood of recurrence,
- d. The nature of the job,
- e. Any extenuating circumstances.

Within five (5) calendar days, any employee or volunteer, whether new or previous, convicted of a felony or a crime involving moral turpitude must report the conviction to the President. An unreported conviction will be subject to disciplinary measures for failure to report, up to and including termination.

## **REASONABLE SUSPICION OF CONVICTION OF FELONY OR CRIME INVOLVING MORAL TURPITUDE**

A background check may be conducted on any person if the institution has reasonable suspicion that an employee or volunteer has been convicted of a felony or any crime involving moral turpitude.

## **ADJUNCTS AND OTHER TEMPORARY EMPLOYEES**

Adjuncts and/or other temporary employees who may not receive consistent or routine pay or who may be on hiatus from campus for months at a time are not required to have background checks every time they return, but they are subject to annual or return background checks as determined by the College.

## **REPORTING PROCESS**

Background findings that may affect the ability to be hired will be discussed by the ACCS Safety and Security Office with the applicant who will have an option to appeal the finding. Once that process is complete, the President of the College will be notified. Once the President decides whether the applicant will be considered for hiring, the College's Human Resources Office will be notified.

**Reference: Alabama Community College System Policy 623.01 Criminal Background Checks and Chancellor's Procedures – 623.01 Criminal Background Checks**

## **POLICY 4.6: CHANGE OF ADDRESS, NAME, AND/OR PHONE NUMBER**

All Marion Military Institute employees should inform the Office of Human Resources of any change in address, name, and/or phone number within 30 days of the change through completion of the Address Change/Change of Status form. Any change in name must be accompanied by legal documentation verifying the change (marriage license, etc.) The form to use in making these changes may be found in Appendix B of the MMI Faculty and Staff Handbook.

## **POLICY 4.7: ADJUNCT INSTRUCTORS**

Applications for adjunct instructors are accepted only as positions are posted and available. Credentials are evaluated by the Chief Instructional Officer to determine qualifications. Adjunct instructors must meet the minimum qualifications set forth by the college, ACCS System Office, and the Southern Association of Colleges and Schools. Neither tenure nor seniority is attained through adjunct employment. Employment and letters of appointment are on a semester-to-semester basis.

The Chief Instructional Officer and appropriate Department Chair are responsible for orientation relating to course syllabi and objectives, grading standards, and other instructional policies and

procedures. Supervision of instruction by all adjuncts is also the responsibility of the Chief Instructional Officer and appropriate Department Chair.

Adjunct instructors are evaluated each semester through course evaluation forms and annually through a classroom observation by the Chief Instructional Officer or Department Chair.

#### **POLICY 4.7:1: ADJUNCT AND PART-TIME INSTRUCTOR PAY RATES**

Adjunct instructors are defined by Marion Military Institute (MMI) as those who teach no more than 2 courses per semester (maximum of 8 credit hours per semester). Base pay for adjunct instructors is \$600 per credit hour. An adjustment of \$200 per credit hour may be made by the Chief Academic Officer for purposes of compensating for travel and/or exceptional credentials and/or work experience. The President has final approval on all adjunct and part-time pay.

The category of part-time instructors indicates those who teach 3 college-level courses (at least 9 credit hours) per semester. A part-time instructor is paid at the rate of 66 percent of the salary category under which he or she would fit on the Alabama Community College System D schedule, according to his or her experience and qualifications.

#### **POLICY 4.8: DUTY DAYS AND HOLIDAYS**

The normal work week for full-time, non-instructional personnel employed by Marion Military Institute is at least forty (40) hours, exclusive of lunch. Days that the College is officially open are duty days for full-time, non-instructional employees of the College.

Employees shall be allowed the following official holidays on which days the College shall be closed:

- New Year's Day
- Martin Luther King, Jr./Robert E. Lee Birthday
- National Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Veterans Day
- Thanksgiving Day

Day after Thanksgiving Day  
Christmas Eve  
Christmas Day

Additionally, the President of each college shall designate five other days on which the College will be closed in the official, approved calendar of the College.

Any personnel on an hourly pay schedule, including part-time Security Guard staff on the L Schedule, will receive double time pay when required to work on Federal holidays, as listed above, and/or when required to work on any designated approved College holiday.

**Reference Alabama Community College System Policy 608.02: Duty Days and Holidays.**

#### **POLICY 4.9: FULL-TIME EMPLOYEE SCHEDULE**

##### **1. Work Schedule Policy for Full-Time Administrative Personnel**

- a. Each full-time support or administrative person is expected to maintain a weekly schedule that includes 40 hours on campus, excluding the lunch period.  
Administrative offices are to be open from 8am to 5pm, Monday through Friday. Buildings and Grounds personnel work from 7am to 4pm each day. Library personnel work from 7:30am to 4:30pm each day.
- b. The supervisor of each administrative department may petition the President or his designee for approval for his/her departmental personnel to work a flexible schedule at certain times during the year, particularly during the summer months. At all times, a sufficient number of employees must be present so that the business of the Department may be conducted.

##### **2. Work Schedule Policy for Full-Time Faculty**

- a. Each full-time instructor, librarian, or counselor employed on Schedule D is required to maintain a weekly schedule that includes a minimum of 35 hours on campus excluding lunch and other regularly scheduled breaks. This does not mean that each instructor is to be on duty seven hours per day, but it does mean that each instructor is to have a regular schedule of instruction, office hours, advising, planning, and institutional duties. Faculty are expected to commit at

least 25 hours per week to a combination of instruction and office hours. An instructor's office hours are to be on each course syllabus and posted on the office and/or classroom door.

- b. Full-time instructors, librarians, and counselors employed on an academic year contract (fall and spring semesters) shall work the number of instructional and non-instructional days as indicated by the college. Full-time instructors, librarians, and counselors employed on a twelve-month contract shall work the number of instructional and non-instructional days as indicated by the college. Those full-time summer faculty shall work the number of instructional and non-instructional days as indicated by the college.

**Reference: Alabama Community College System Policy 608.02: Duty Days and Holidays; Instructor, Librarian, and Counselor Hours; Flexible Work Schedule.**

#### **POLICY 4.10: EMPLOYEE ATTENDANCE AND TIMELINESS**

It is the policy of Marion Military Institute (MMI) that each employee exercise diligence, professionalism, and responsible behavior in the conduct of themselves and their duties as MMI employees. Each employee is therefore responsible for ensuring compliance with workplace attendance requirements as set forth in each employee's Letter of Appointment and as established by the respective supervisor. Employees are expected to report for duty at the assigned time and place, remain on duty during established work hours, and accurately report hours worked and leave taken.

Employee work attendance and promptness of arrival have direct effects on the ability of a department to perform work and/or provide services in support of the mission of MMI.

Excessive absenteeism and tardiness disrupt normal operations and place an extra burden on fellow employees. Abuses, therefore, will be subject to corrective and/or disciplinary action.

The policy on employee attendance and timeliness has been established to ensure the following:

- Consistent enforcement of attendance requirements and application of corrective and/or disciplinary actions.
- Appropriate corrective action is applied at the lowest level sufficient to address attendance concerns.



- Clear steps are followed so that supervisors and employees may discuss attendance problems affecting the department and its productivity and provide an opportunity for employees to correct attendance and timeliness deficiencies.

For purposes of this policy, the following definitions apply:

- Absence - an employee is away from work.
- Unauthorized Absence – an absence that the employee’s supervisor has not approved.
- Failure to Remain on Duty – leaving work during established work hours or exceeding an established break period without supervisor approval.
- Pattern of Absences – absences that occur with a common factor (day of week, day before/after holiday, etc.), at least 3 times within 6 months.
- Tardiness – failure to report to work at the assigned starting time.

#### Unauthorized Absence

An absence shall be considered “unauthorized” whenever the employee’s supervisor and/or department have not been properly notified and supervisor approval has not been given. Responsibility for excusing an unauthorized absence shall rest with the immediate supervisor who shall determine whether an employee’s explanation for the absence is reasonable. Supervisory discretion for corrective action shall be exercised depending on the severity of the violation. The supervisor should take into consideration any mitigating circumstances and the employee’s overall attendance record when deciding upon corrective action. An unexcused absence may be recorded as leave without pay at the discretion of the supervisor and upon approval by the President. Otherwise, it must be charged to the employee’s sick leave, annual leave, or personal leave, as appropriate. However, a supervisor may only designate an unapproved medical-related absence as “unauthorized” after gaining concurrence from the Director of Human Resources and approval from the President.

#### Failure to Remain on Duty

An incident of failure to remain on duty occurs when an employee does not obtain permission to leave the work site during scheduled work time or takes or exceeds a break period without authorization. Incidents of failure to remain on duty will be treated in the same manner as unauthorized absences.

#### Pattern of Absences

A pattern of absence exists when an employee's absences occur with a common factor (day of week, day before/after holiday, etc.) at least 3 times within 6 months. For instance, an employee who is regularly absent from work on a Monday, a Friday, or the day before or after a holiday, may be viewed as displaying a pattern of absence. Employees exhibiting a pattern of absences will be subject to corrective and/or disciplinary action.

#### Abandonment of Position

Any employee who is absent from work for three (3) consecutive workdays without approval through the procedures established by each institution shall be considered to have abandoned the position and to have resigned from the employing institution.

#### Tardiness

All Marion Military Institute employees are expected to report for work on time as per the work schedule established by MMI and/or the immediate supervisor. When an employee fails to report to work at the specified start time, he or she is considered tardy. Tardiness will be considered excessive when it occurs more than 3 times in a given pay period for two or more consecutive pay periods. Excessive tardiness may be grounds for corrective action, and if it continues, disciplinary action may be taken, depending upon its severity, frequency, and impact on departmental work performance.

Employees who are chronically unable or unwilling to report to work on time present a hardship on other employees. Those employees who receive corrective action under this policy are expected to improve their attendance/punctuality. Failure to improve and/or sustain improvement shall result in the employee receiving disciplinary action.

#### Corrective Action

Corrective actions may include informal counseling, formal written counseling, performance evaluations, and/or pay adjustments. Formal written counseling shall be used by supervisors to notify the employee in writing of any "unauthorized" absence with rationale for the absence being declared "unauthorized" and any recommended corrective actions and/or future consequences if corrective actions are not taken. A copy of the completed and signed counseling form shall be placed in the employee's personnel file. Other corrective actions may include pay adjustments. A recommended pay adjustment will be included in the written counseling and submitted to the President for approval as leave without pay.

## Disciplinary Action

Disciplinary Action may be taken if absence/tardiness violations continue despite corrective actions. Disciplinary actions may include suspension without pay and/or termination.

## **POLICY 4.11: FACULTY QUALIFICATIONS**

1. The credentials are organized according to teaching areas. The following groups are presented:

- 1.1. Group A.

This group of requirements shall be used for instructors teaching credit courses in the following areas: humanities/fine arts; social/behavioral sciences; natural sciences/mathematics; and in professional and career technical areas that are components of associate degree programs designed for or usually resulting in college transfer to baccalaureate degree programs. This group is also used for instructors teaching credit courses that are not designed for or do not usually result in college transfer in cases where articulation agreements exist that require instructors to maintain Group A credentials for transfer.

- 1.2. Group B.

This group of requirements shall be used generally for instructors teaching credit courses in professional and career technical areas that are components of associate degree programs, not usually resulting in college transfer to baccalaureate degree programs. There are courses that do not usually result in college transfer, but that transfer under articulation agreements where instructors teaching those courses must be credentialed under Group A rather than Group B.

- 1.3. Group C.

This group of requirements shall be used for instructors teaching credit courses in certificate programs.

2. All instructors will be "grandfathered" in their current rank and group placements.

- 2.1. Rank IV-Group A

2.1.1. Degree Requirement: Earned Doctorate

2.1.2. In-field Requirement:

Option (a)- Earned doctorate in-field

Option (b)- Fifty-four (54) graduate semester hours of coursework in the teaching field.

Option (c)- (Accepted only when fifty-four (54) graduate semester hours of coursework in the teaching field is unavailable at any accredited institution of higher education.)

Fifty-four (54) graduate semester hours of course-work in a combination of teaching field, related field, and/or education.

Option (d)- (Acceptable only when an instructor has two teaching assignments.) Thirty-six (36) graduate semester hours in a major teaching field with eighteen (18) graduate semester hours in a second teaching area.

2.2. Rank IV-Group B

2.2.1. Degree Requirement:

Option (a)- Specialist degree (minimum thirty (30) graduate semester hours beyond the master's degree in a planned program) plus thirty (30) additional graduate semester hours.

Option (b)- Specialist degree (minimum of thirty (30) graduate semester hours beyond the master's degree in a planned program) plus the equivalent of thirty (30) additional graduate semester hours as stipulated in 2.2.2. (c) below.

2.2.2. In-field Requirement:

Option (a)- Thirty-six (36) graduate semester hours in teaching field.

Option (b)- (Acceptable only when thirty- six (36) graduate semester hours in the teaching field in unavailable at an accredited institution of higher education.) Thirty-six (36) graduate semester hours is a combination of the teaching field and/or related field; or, if unavailable, thirty-six (36) graduate semester hours in a combination of teaching field, related field, or education.

Option (c)- Twenty-four (24) graduate semester hours in accordance with Option (a) or (b) above plus the equivalent of thirty (30) graduate semester hours of corporate or other external formal training as determined below:

The (30) graduate semester hours equivalent will be determined for each program area by the College.

#### 2.2.3. Work Requirement:

Three years of successful full-time experience as a practitioner in the vocational field and successful completion of an approved occupational examination (e.g., NOCTI) or approved certification within the first year of employment.

### 2.3. Rank IV-Group C.

#### 2.3.1. Degree Requirement:

Specialist degree (minimum of thirty (30) graduate semester hours beyond the master's degree in a planned program.)

#### 2.3.2. In-field Requirement:

Option (a)- Thirty-six (36) graduate semester hours in teaching field.

Option (b)- (Acceptable only when thirty-six (36) graduate semester hours in the teaching field are unavailable at any accredited institution of higher education.) Thirty-six (36) graduate semester hours in a combination of teaching field and/or related field; or, if unavailable, thirty-six (36)

graduate semester hours in a combination of teaching field, related field, and/or education.

Option (c)- Six (6) graduate semester hours in accordance with Options (a) or (b) above plus the equivalent of thirty (30) graduate semester hours of corporate or other external formal training as determined below:

The thirty (30) graduate semester hours equivalent will be determined for each program area by the College.

#### 2.3.3. Work Requirement:

Six (6) years of successful full-time experience as a master craftsman/ journeyman in the vocational field with competency demonstrated through successful completion of an approved occupational examination (e.g., NOCTI) or approved certification within the first year of employment.

### 2.4 Rank III-Group A

#### 2.4.1. Degree Requirement:

Specialist degree (minimum of thirty (30) graduate semester hours beyond the master's degree in a planned program) plus thirty (30) additional graduate semester hours.

#### 2.4.2. In-field Requirement:

Option (a)- Fifty-four (54) graduate semester hours in the teaching field.

Option (b)- (Acceptable only when fifty-four (54) graduate semester hours in the teaching field is unavailable at any accredited institution of higher education.) Fifty-four (54) graduate semester hours in a combination of the teaching field and/or related field; or, if unavailable, thirty-six (36) graduate semester hours in a combination of teaching field, related field, and/or education.

Option (c)- (Acceptable only when an instructor has two teaching assignments.) Thirty-six (36) graduate semester hours in a major teaching field with eighteen (18) graduate semester hours in a second teaching area.

## 2.5. Rank III -Group B

### 2.5.1 Degree Requirement:

Option (a)- Specialist degree (minimum of thirty (30) graduate semester hours beyond the master's degree in a planned program).

Option (b)- Master's degree plus the equivalent of thirty (30) graduate semester hours equivalent as stipulated in 2.5.2. (c) below.

### 2.5.2. In-field Requirements:

Option (a)- Thirty-six (36) graduate semester hours in teaching field.

Option (b)- (Acceptable only when thirty-six (36) graduate semester hours in the teaching field is unavailable at an accredited institution of higher education.) Thirty- six (36) graduate semester hours in a combination of the teaching field and/or related field; or, if unavailable, thirty-six (36) graduate semester hours in a combination of teaching field, related field, or education.

Option (c)- Fifteen (15) graduate semester hours in accordance with Options (a) or (b) above plus the equivalent of fifteen (15) graduate hours of corporate or other external formal training as determined below:

The fifteen (15) graduate semester hours equivalent will be determined for each program area by the College.

### 2.5. 3. Work Requirement:

Three years of successful full-time experience as a practitioner in the vocational field and successful completion of an approved occupational examination (e.g., NOCTI) or approved certification within the first year of employment.

## 2.6. Rank III-Group C.

### 2.6.1. Degree Requirement:

Option (a)- Master's Degree

Option (b)- Baccalaureate degree plus the equivalent of thirty (30) additional graduate semester hours as stipulated in 2.6.2. (c) below.

### 2.6.2. In-field Requirement:

Option (a)- Eighteen (18) graduate semester hours in teaching field.

Option (b)- (Acceptable only when eighteen (18) graduate semester hours in the teaching field are unavailable at an accredited institution of higher education.) Eighteen (18) graduate semester hours in a combination of teaching field and/or related field; or, if unavailable, eighteen (18) graduate semester hours in a combination of teaching field, related field, and/or education.

Option (c)- The equivalent of thirty (30) graduate semester hours of corporate or other external formal training will be determined for each program area by the College.

### 2.6.3. Work Requirement:

Six (6) years of successful full-time experience as a practitioner in the vocational field and successful completion of an approved occupational examination (e.g., NOCTI) or approved certification within the first year of employment.

## 2.7. Rank II-Group A

### 2.7.1. Degree Requirement:



Specialist degree (minimum of a master's degree plus thirty (30) additional graduate semester hours in a planned program.

2.7.2. In-field Requirement:

Option (a)- Thirty-six (36) graduate semester hours in the teaching field.

Option (b)- (Acceptable only when thirty-six (36) graduate semester hours in the teaching field is unavailable at any accredited institution of higher education.) Thirty-six (36) graduate semester hours in a combination of teaching field and/or related field; or, if unavailable, thirty-six (36) graduate semester hours in a combination of teaching field, related field, or education.

Option (c)- (Acceptable only when an instructor has two teaching assignments.)

Eighteen (18) graduate semester hours in a major teaching field with eighteen (18) graduate semester hours in a second teaching area.

2.8. Rank II-Group B

2.8.1. Degree Requirement:

Option (a)- Master's Degree

Option (b)- Baccalaureate degree plus the equivalent of thirty (30) graduate semester hours as stipulated in 2.8.2. (c) below.

2.8.2. In-field Requirement:

Option (a)- Eighteen (18) graduate semester hours in the teaching field.

Option (b)- (Acceptable only when eighteen (18) semester hours in the teaching field is unavailable at an accredited institution of higher education.) Eighteen (18) graduate semester hours in a combination of

teaching field and/or related field; or, if unavailable, eighteen (18) graduate semester hours in a combination of teaching field, related field, or education.

Option (c)- The equivalent of thirty (30) graduate semester hours of corporate or other external formal training will be determined for each program area by the College.

#### 2.8.3. Work Requirement:

Three (3) years of successful full-time experience as a practitioner in the vocational field with competency demonstrated through successful completion of an approved occupational examination (e.g., NOCTI) or approved certification within the first year of employment.

### 2.9. Rank II-Group C

#### 2.9.1. Degree Requirement:

Baccalaureate Degree

#### 2.9.2. In-field Requirement:

Twenty-seven (27) semester hours in the teaching field or related field.

#### 2.9.3. Work Requirement:

Six (6) years of successful full-time experience as a practitioner in the vocational field with competency demonstrated through successful completion of an approved occupational examination (e.g., NOCTI) or approved certification within the first year of employment.

### 2.10. Rank I-Group A

#### 2.10.1. Degree Requirement:

Option (a)- Master's Degree

Option (b)- (Acceptable only for creative and applied arts and occupational programs.) Baccalaureate degree plus in-field requirements in 2.10.2. (c) below.

2.10.2. In-field Requirement:

Option (a)- Eighteen graduate semester hours in the teaching field.

Option (b)- (Acceptable only when eighteen (18) graduate semester hours in the teaching field is unavailable at any accredited institution of higher education.) Eighteen (18) graduate semester hours in a combination of teaching field and/or related field; or, if unavailable, eighteen (18) graduate semester hours in a combination of teaching field, related field, or education.

Option (c)- (Acceptable only for 1(b) above.) Bachelor's degree with twenty-seven (27) semester hours in the teaching field, documented professional competency, and three (3) years full-time experience in the occupational area.

2.11. Rank I-Group B

2.11.1. Degree Requirement:

Bachelor's Degree

2.11.2. In-field Requirement:

Option (a)- Twenty-seven (27) semester hours in the teaching field.

Option (b)- Specialized coursework equivalent to the community or technical college program.

2.11.3. Work Requirement:

Three years of successful full-time experience as a practitioner in the occupational, technical, or vocational field.

2.12. Rank I-Group C

2.12.1. Degree Requirement:

Associate degree or equivalent (at least sixty (60) semester hours in a planned program including associate degree core).

2.12.2. In-field Requirement:

Specialized coursework equivalent to the community or technical college program.

2.12.3. Work Requirement:

Six (6) years of successful full-time experience as a practitioner in the vocational field with competency demonstrated through successful completion of an approved occupational examination (e.g., NOCTI) or approved certification within the first two years of employment.

2.13. Level 0-Group A: Level 0 is paid at Rank IB on the Salary Schedule.  
(Instructors using these minimum requirements may only teach basic computation and communication skills in certificate programs or remedial courses.)

2.13.1. Degree Requirement:

Bachelor's Degree

2.13.2. In-field Requirement:

Twenty-seven (27) semester hours in the teaching field.

2.14. Level 0-Group B: Level 0 is paid at Rank IB on the Salary Schedule.

2.14.1. Requirement: Associate degree or equivalent, combined with at least three (3) years' experience as a practitioner in the field of instruction. "Equivalent" can be academic or non-academic, but must be documented by the college and approved by the President.

2.15. Level 0-Group C: Level 0 is paid at Rank IB on the Salary Schedule.

2.15.1. Requirements: Associate degree or equivalent, combined with at least three (3) years' experience as a practitioner in the field of instruction. "Equivalent" can be academic or non-academic but must be documented by the college and approved by the President.

3. The Chancellor may waive the minimum qualifications or credentials set forth in this policy upon receipt of a reasonably documented summary of qualifications and written explanation that justifies the instructor's overall qualifications, which should ensure the quality and integrity of the college's educational programs.

#### **Reference Alabama Community College System Policy 605.02 Faculty Qualifications**

#### **POLICY 4.12: FACULTY JOB RESPONSIBILITIES**

The normal work week for a full-time instructor, librarian, or counselor shall be a minimum of 35 clock hours, exclusive of lunch and other regularly scheduled breaks. This does not mean that each instructor is to be on duty seven hours per day, but it does mean that each instructor is to have a regular schedule of instruction, office hours, advising, planning, and institutional duties. Faculty members are directly responsible to the appropriate Department Chair and the Chief Instructional Officer. Instructors are required to meet classes as scheduled and devote adequate planning time to provide quality instruction for the prescribed time. Classes begin on the first day of class each semester and should be taught the entire time period. Instructors are expected to conduct class in a professional manner and in a pleasant/helpful atmosphere. All classes will meet according to the time and date scheduled unless prior approval from the Chief Instructional Officer for change has been granted. Every attempt should be made by a faculty member to contact the Chief Instructional Officer prior to a scheduled class when that instructor anticipates being late or absent. Faculty anticipating absences should request approval of the Chief Instructional Officer. Faculty are required to disseminate an approved college-wide course syllabus to each student in each course at the beginning of the semester. In keeping with the College's policy of assisting students and promoting student success, faculty members are encouraged to assist students outside of class whenever possible. This may entail

arriving early and staying beyond the scheduled time for the class. All full-time and part-time faculty are required to post and maintain office hours. Faculty, unless an exception granted by the Chief Instructional Officer is in place, are required to serve as academic advisors.

Department Chairs are afforded a course release due to the non-teaching assignments performed by the chairs, per the guidance from the Alabama Community College System Board of Trustees Policy 608.01 and its associated procedures. Department Chairs are responsible for assisting the Chief Instructional Officer in curriculum development and review.

For a more detailed description of faculty duties, members should refer to the formal job description signed by them at their annual performance appraisal.

Instructor of record (IOR): The IOR is the individual who has overall responsibility for the development and implementation of the course syllabus, for the day-to-day delivery of the course, for ensuring that course learning outcomes are covered and assessed, and for the issuing of grades.

#### **POLICY 4.13: INSTRUCTOR LOAD AND HOURS**

Each full-time faculty instructor at any college under the authority, direction, and control of the Alabama Community College System shall teach 15 to 16 credit hours per term or the equivalent for the academic year, fall and spring semesters, at the College. In using the contact hour method of calculation typically for full-time technical faculty, no single faculty member shall have a direct student contact hour assignment that is less than 24 hours or exceeds 30 hours per week. Full-time faculty members must work a minimum of 35 hours per week. The duties of an instructor are determined by the President, in consultation with both the Chief Academic Officer and the Chief Instructional Officer, with consideration given to number of preparations, number of students taught, number of contact hours, and other collegiate responsibilities.

When a faculty member's teaching load reaches the threshold of 15 credit hours or the equivalent, he/she will be considered full-time and entitled to a full-time salary. Pursuant to ACCS Board of Trustees Policy 608.03, any instructional load of more than 15 to 16 credit hours or more than 30 contact hours constitutes an overload and must be approved by the President. Faculty members with an instructional load exceeding a full-time instructional load status shall be paid on the college's adjunct salary schedule for overload assignments.

The faculty must be available during regularly scheduled office hours which are at times other than scheduled classes. The times of the office hours are to be posted outside each faculty office

and on the faculty member's course syllabi. The faculty member will inform the department chair of his/her office hours at the beginning of each semester.

Full-time faculty members will maintain a minimum of *ten office hours per week* and will also make provisions for meeting with students by appointment at a mutually convenient time beyond the stated office hours.

If, for any reason, a faculty member cannot meet the posted office hours, the faculty member will inform the Department Chair. If possible, the Department Chair will note the absence on the faculty office door.

Office hours should be scheduled at a time convenient for both students and colleagues, i.e., sometime between 7:30am and 5:00pm.

### **Reference Alabama Community College System Policy 608.01: Instructor Load and Hours, and Accompanying Guidelines**

#### **POLICY 4.14: OVERLOAD CLASSES AND UNDER-ENROLLED CLASSES**

A full-time instructor may be employed to teach overload(s) per term for pay. The overload course(s) must be taught outside the normal work week of the instructor, and the pay must be at the prevailing part-time salary rate at the employing institution.

No full-time faculty member can be required to teach overload(s). Overloads will be at the discretion of the President, based on faculty desire, preparations required, non-instructional duties, and other considerations.

The Chief Instructional Officer reserves the right to cancel or combine low-enrollment classes for the purpose of effective scheduling.

### **Reference Alabama Community College System Policy 608.03: Instructor Overload and Accompanying Guidelines.**

#### **POLICY 4.15: FAIR LABOR STANDARDS ACT-OVERTIME**

The Fair Labor Standards Act sets the federal minimum wage and requires that non-exempt employees be paid overtime at 1½ times the regular rate of pay for all hours worked over forty (40) hours in a work week. Non-exempt employees are employees whose positions do not meet

the FLSA tests for exemption from the overtime provisions. Compensatory time (comp time) may be substituted for overtime pay at 1½ times the regular rate. For example: If an employee works two (2) hours overtime, they must be given three (3) hours of comp time. The law also provides for certain exemptions from overtime pay, including exemptions for executive, administrative, professional, and certain computer employees. To be exempt, an employee must generally satisfy three tests:

1. The employee must be compensated on a salary at a rate not less than \$684 per week.
2. The employee must be paid on a salary basis (i.e., the employee must regularly receive a predetermined amount that cannot be reduced because of variations in quantity or quality of work performed).
3. The employee must satisfy the duties test for the particular exemption (executive, administrative, professional, or certain computer employees).

For more information on the FLSA, go to the Department of Labor website at [www.wagehour.dol.gov](http://www.wagehour.dol.gov).

#### **POLICY 4.16: COMPENSATORY TIME**

**A. EXEMPT FT EMPLOYEES:** Each President has authority on a local level to award compensatory time to exempt full-time employees when that employee physically works over 45 hours in one week if the President chooses to do so. Physical work hours do not include hours awarded for paid leave. If permitted by the President, exempt full-time employees may be awarded straight compensatory time, meaning for every one hour physically worked over 45 hours, the employee may receive one hour in compensatory time. The supervisor of the exempt full-time employee must keep track of all compensatory time earned and the exempt employee must use the time with supervisor approval within sixty days of it being accrued, else it is forfeited. Compensatory time is not paid for exempt employees at the time of separation at the College. When exempt fulltime employees do not work 40 hours each week, they are required to take compensatory time or appropriate accrued leave to make up for their failure to work 40 hours. Full-time exempt employees are required to work during the institution's regular business hours unless the employee has express permission from the supervisor to work outside regular business hours.

**B. NON-EXEMPT FT EMPLOYEES:** Non-exempt full-time employees are not permitted



to work over 40 hours in one week, unless expressly required and approved by a supervisor. Non-exempt full-time employees who work over 40 hours without the express requirement and approval of their supervisor will be disciplined. Non-exempt full-time employees are entitled to overtime pay unless compensatory time is awarded instead when they physically work over 40 hours in one week (physical work hours do not include any paid leave time). It is the policy of ACCS that all institutions and entities shall award compensatory time rather than overtime to non-exempt full-time employees physically working over 40 hours in one week. Supervisors and non-exempt employees have a duty to work together to ensure that the employee does not work over 40 hours each week, absent emergency. In emergency situations where it is necessary for non-exempt employees to work over 40 hours in one week (and this has been required and approved by the supervisor), non-exempt employees must be given one and one-half hour for every hour physically worked over 40 in compensatory time, meaning if the employee works 44 hours in one week, then the employee receives 6 hours ( $4 \times 1.5$ ) in compensatory time. The supervisor of the nonexempt full-time employee must keep track of compensatory time and the non-exempt employee must use the time with supervisor approval within a reasonable period of it being accrued (recommend within the next month). Supervisors are responsible for ensuring that compensatory time is being taken by non-exempt full-time employees so that overtime is not required to be paid. Non-exempt full-time employees may not accrue more than 80 hours of compensatory time, and any time over and above 80 hours in compensatory time will be required to be paid as overtime. Compensatory time for full-time non-exempt employees will be converted to overtime and paid at the time of separation at the College.

## **Reference Alabama Community College System 610.01: Leave with Pay**

### **POLICY 4.17: STUDENTS FIRST ACT**

The Students First Act was recently adopted by the State of Alabama to replace the Fair Dismissal Act. The Students First Act is available online at <http://alisondb.legislature.state.al.us/acas/ACASLoginie.asp>

Once you access the page, follow these instructions to reach the Act.

1. Click Resources on the right of the screen.
2. Click “Code of Alabama” under Law.
3. Then, click view the “Code of Alabama”.
4. Scroll down and click on Title 16, EDUCATION.
5. Scroll down and click on Chapter 24C, STUDENTS FIRST ACT.

## **POLICY 4.18: GRIEVANCE PROCEDURE**

The purpose of the Marion Military Institute (MMI) Employee Grievance Policy is to cover grievances between employees about general workplace issues, conduct, or professionalism. This policy does not apply and cannot be used against the President. This policy is not intended to cover complaints regarding discrimination, harassment, hostile work environment, ethical concerns, or other legal-related matters. This policy is to provide means for resolving grievances at the earliest possible time and at the most immediate level of supervision. All MMI employees have a right to file grievances without fear of censure or reprisal. All complaints will be handled in an impartial and timely manner.

“Grievance,” as used in this context, is limited to a complaint of an employee that involves the interpretation of, application of, or compliance with a college policy, procedure, rule or regulation pertaining to the employee’s employment conditions. The steps in the MMI Grievance Procedure are as follows:

1. Any employee who claims a grievance (or who is reporting an observed grievance) must file a written statement within ten (10) calendar days from the date of the alleged incident, otherwise the grievance will not be reviewed under this policy. Oral grievances do not comply with this policy. The written statement must be filed with the complaining employee’s direct supervisor, unless the direct supervisor is the person about whom the grievance is lodged. In such cases, the employee must file the statement with the next supervisor in line. The supervisor (or person receiving a written grievance) will notify Human Resources personnel and/or the President as appropriate.
2. The supervisor, or other person appointed to address the grievance, must review the written statement and conduct an investigation of the claims within forty-five (45) calendar days (or otherwise agreed), and then make a written report of findings with recommendations with sixty (60) calendar days of receipt of the grievance. The report must be given to the President, the complaining employee, and the person about whom the grievance is lodged. The complaining employee or person whom the grievance is lodged has five (5) calendar days from receipt of the written report to provide specific written objections to the report of findings with recommendations to the President, which will be considered by the President or his/her designee before issuing a final decision. The decision shall be final.

3. Any employee who brings a good faith grievance under this policy shall not be retaliated against in any manner. Any employee who retaliates against an employee for making a good faith grievance under this policy will be disciplined.
4. The President's decision will be final.

NOTE: If the last day for filing a notice of appeal falls on a Saturday, Sunday, or a legal holiday, the appealing party will have until 5:00 p.m. the first working day following to file.

### **Reference Alabama Community College System Policy 620.01 Employee Grievance**

#### **POLICY 4.19: STUDENT COMPLAINTS AGAINST FACULTY AND STAFF**

The purpose of this procedure is to provide a means for resolving legitimate complaints. A complaint is defined as a grievance that cannot be resolved informally. A student may file a complaint against a member of the MMI faculty or staff. Prior to a formal written complaint, students are encouraged to discuss the matter with the faculty or staff member's direct supervisor to attempt to resolve the grievance informally. If the grievance cannot be resolved informally or to the student's satisfaction, the student may file a formal written complaint. All formal complaints must be filed with the MMI Director of Human Resources, located in the Administrative Building, within five (5) business days from the date the incident occurred. A written formal complaint must include the following:

1. Student name, physical campus address, cell phone number, and email address;
2. The name of the faculty or staff member against whom the complaint is being filed;
3. The facts on which the complaint is based, including dates, times, and witnesses;
4. A summary of what has been done in an attempt to resolve the situation;
5. The resolution requested.

Written complaints will be received by the Director of Human Resources, who will review the complaint and discuss it with the student and appropriate department(s). The Director of Human Resources may designate a college official to respond to the student. Absent extenuating circumstances, the Director of Human Resources, or designee, will provide a written response to the student within fourteen (14) calendar days from the time the written formal complaint is received.

## **POLICY 4.20: EMPLOYEE COMPLAINT**

This policy is intended to cover employee complaints related to discrimination, harassment, hostile work environment, ethical concerns, and other legal-related matters against any person associated with MMI. This policy does not cover general workplace grievances, conduct, professionalism, or sexual harassment. This policy does not apply and cannot be used against the President.

1. Any employee who believes he/she has been subjected to or observed:
  - Discrimination based on race, color, national origin, religion, marital status, disability, sex, age or any other protected class as defined by federal and state law,
  - Harassment in forms other than sexual,
  - Hostile work environment,
  - Ethical violations or similar concerns,
  - Criminal acts,
  - MMI policy or procedure violations,
  - Or other legal-related issues.

by any person associated with MMI (other than President), shall report the action immediately, and in no event less than ten (10) calendar days following the event, to the Title IX Coordinator, Human Resources Director, or President. In conjunction with the report, the employee shall provide a written statement, as well as any evidence the employee believes substantiates the complaint, and shall be required to assist in an appropriate investigation.

2. MMI shall designate an appropriate person to review and investigate the matter and may engage legal counsel for this purpose, as determined by the President. This review and investigation shall be conducted promptly and within forty-five (45) calendar days if practical, but not later than sixty (60) days, unless this period is extended by agreement of the complaining and responding parties. The President or his/her designee shall issue a written response to the reporting employee within fifteen (15) calendar days if practical, but not later than thirty (30) days unless this period is extended by agreement of the complaining and responding parties; once the review and investigation has been completed, and this written response shall be final.

3. An employee who brings a good faith complaint under this policy shall not be retaliated against in any manner. Any employee retaliates against an employee for making a good faith complaint under this policy will be disciplined.

**Reference Alabama Community College System Policy 620.02 Employee Complaint**

**POLICY 4.21: ACADEMIC FREEDOM**

Academic freedom is the freedom of a teacher or researcher in higher education to investigate and discuss the issues in his or her academic field, and to teach or publish findings without interference from political figures, boards of trustees, donors, or other entities. Academic freedom also protects the right of a faculty member to speak freely when participating in institutional governance, as well as to speak freely as a citizen.

In the development of knowledge, research endeavors, and creative activities, faculty and students are free to cultivate a spirit of inquiry and scholarly criticism. Faculty members are entitled to freedom in the classroom in discussing discipline-related subjects but should be careful not to introduce into teaching controversial material which has no relation to the course. Faculty and students must be able to examine ideas in an atmosphere of freedom and confidence. At no time shall the principle of academic freedom prevent the College from taking proper initiatives to assure the best possible instruction for all students in accordance with the mission and objectives of the College.

**POLICY 4.22: TITLE IX SEXUAL HARASSMENT COMPLAINTS**

- A. Policy Statement
- B. Purpose
- C. Jurisdiction and Application of these Procedures
- D. Title IX Coordinator
- E. Definitions
- F. Prohibited Conduct
- G. Reporting Procedures
- H. Supportive Measures
- I. Emergency Removals and Administrative Leave
- J. Initial Evaluation & Complaint Dismissals
- K. Complaint Investigation
- L. Hearing
- M. Appeals

- N. Informal Resolution
- O. Confidentiality & Privacy
- P. Retaliation
- Q. Free Speech and Academic Freedom
- R. Records Retention

## **A. Policy Statement**

Marion Military Institute (the College) is committed to creating and maintaining a learning and working environment that is free from unlawful discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act, the Jeanne Clery Campus Safety Act, and the Violence Against Women Act (VAWA). Sexual harassment and retaliation under these Procedures will not be tolerated by the College and is grounds for disciplinary action, up to and including, permanent dismissal from the College and/or termination of employment.

The College has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator.

## **B. Purpose**

The College takes all reported sexual harassment seriously. The College will promptly take action against any individuals within its control who are found responsible for violating these Procedures. Additionally, reported sexual harassment that does not meet the definitions and jurisdiction of these Procedures will be referred for review under the Student Code of Conduct, or the Employee Policy, whichever may be applicable.

## **C. Jurisdiction and Application of these Procedures**

These Procedures apply to sexual harassment occurring under the College's education program or activity. Conduct that occurs under the College's education program or activity includes but is not limited to conduct that occurs in a building owned or controlled by the College or by a student organization that is officially recognized by the College and where

the College exercises control over the Respondent at the time the alleged conduct occurs. A Complainant may only file a formal complaint if the Complainant is participating or attempting to participate in the College's education program or activity. These Procedures do not cover conduct that occurs outside of the United States.

If the alleged conduct does not meet the definition of sexual harassment under these Procedures, the College will provide supportive measures when reasonably available and when possible, take prompt action to provide for the safety and well-being of the Complainant and the broader campus community.

#### **D. Title IX Coordinator**

The College's Title IX Coordinator is the person designated by the College who is responsible for coordinating the College's compliance with its obligations under Title IX. The Title IX Coordinator is responsible for the administrative response to complaints of sexual harassment. The Title IX Coordinator is available to discuss the grievance process, coordinate supportive measures, explain the College's policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Assistant Title IX Coordinators to facilitate any of these responsibilities.

Any member of the College's community may contact the Title IX Coordinator with questions. The Title IX Coordinator and Assistant Title IX Coordinator(s) contact information is as follows:

Carmon Fields  
Title IX Coordinator  
1101 Washington Street, Marion, AL 36756  
334-683-2368  
[cfields@marionmilitary.edu](mailto:cfields@marionmilitary.edu)

Dawn Curtis  
Deputy Title IX Coordinator  
1101 Washington Street, Marion, AL 36756  
334-683-2350  
[dcurtis@marionmilitary.edu](mailto:dcurtis@marionmilitary.edu)

In addition to the Title IX Coordinator and Assistant Title IX Coordinator(s), the Title IX staff may include Investigators, Hearing Decisionmakers, Appellate Decisionmakers, Advisors, and Informal Resolution Facilitators who have roles in the formal grievance process, which are detailed in these Procedures.

The Title IX Coordinator, Assistant Title IX Coordinator(s), Investigators, Hearing Decisionmakers, Appellate Decisionmakers, Advisors, if applicable, and Informal Resolution Facilitators will receive annual training in compliance with Title IX. All administrators in these roles will not rely on sex stereotypes and will provide impartial investigations and adjudications of complaints of sexual harassment. All materials used to train these administrators will be available on the College's Title IX website for inspection by members of the public in accordance with Title IX regulations.

#### Conflict of Interest

The Title IX Coordinator, Assistant Title IX Coordinator(s), Investigators, Decisionmakers, Appellate Decisionmakers, and Informal Resolution Facilitators shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. Whether bias exists requires examination of the particular facts of a situation. A determination of bias must be based on an objective evaluation of the available facts (i.e., whether a reasonable person would believe bias exists).

Any person exercising investigative or decision-making authority under these Procedures who believes they may have a potential conflict of interest or bias that would prevent them from impartially exercising their authority, must disclose the potential conflict/bias to the Title IX Coordinator as soon as practicable after it is discovered. Arrangements will then be made to designate a conflict/bias free alternative in the case at issue.

If the Complainant or the Respondent believes the Title IX Coordinator has a conflict of interest or bias, such objection should be made to the President as soon as practicable after the potential conflict or bias is discovered. If the President determines that the objection is reasonable, the Title IX Coordinator will be replaced with a conflict/bias free Assistant Title IX Coordinator.

If the objection as to a conflict or bias is made with respect to an Investigator, such objection should be reported to the Title IX Coordinator as soon as practicable after the potential conflict or bias is discovered. If the Title IX Coordinator determines that the objection is reasonable, the Investigator will be replaced with a conflict/bias free alternative Investigator.



If the objection as to a conflict or bias is made with respect to a Hearing Decisionmaker or Appellate Decisionmaker, such objection must be reported to the Title IX Coordinator before the scheduled hearing or appeal decision. If the Title IX Coordinator determines that the objection is reasonable, the challenged person will be replaced with a conflict/bias free alternative Hearing Decisionmaker or Appellate Decisionmaker.

The decision of the Title IX Coordinator or President (in objections to the Title IX Coordinator), regarding an objection will be final.

Knowledge of or acquaintance with the Complainant, Respondent, or witnesses in a matter; awareness of a matter; participation as a consequence of one's official role in events surrounding a matter; and/or participation in the investigation process prior to the formal disciplinary process does not automatically result in the finding of a disqualifying conflict; however, such factors may be considered in determining whether a conflict exists.

The mere fact that a certain number of findings under these Procedures result in determinations of responsibility, or non-responsibility, does not necessarily indicate or imply bias on the part of Title IX personnel.

## **E. Definitions**

*Actual Knowledge:* notice of sexual harassment allegations to the Title IX Coordinator or any Official with Authority, except that actual knowledge is not met when the only individual with actual knowledge is the Respondent.

*Business Day:* any weekday not designated by the College as a holiday or administrative closure day. When calculating a time period of business days specified in these Procedures, the business day of the event that triggers a time period is excluded.

*Complainant:* an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

*Confidential Employee:* an individual identified by the institution who will not report any information about an incident to the Title IX Coordinator without the Complainant's permission.

*Consent:* must be informed, voluntary, and mutual and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether or not a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

*Disciplinary Sanctions:* consequences imposed on a Respondent following a determination under Title IX that the Respondent violated the College's prohibition on sexual harassment.

*Education Program or Activity:* locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the sexual harassment occurs; includes conduct that occurs on College property, during any College activity, or in any building owned or controlled by the College or by a student organization that is officially recognized by the College.

*Formal Complaint:* a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the College investigate the allegation of sexual harassment.

*Incapacitation:* An individual who is incapacitated is unable to give consent to sexual contact. States of incapacitation include sleep, unconsciousness, intermittent consciousness, intoxication, or any other state where the individual is unaware that sexual contact is occurring or is otherwise unable to give informed and voluntarily consent. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent to sexual contact. Example: A person who is taking pain medication and falls asleep under the influence of the medication can be incapacitated and not be able to give consent to sexual contact.

*Official with Authority:* an individual who has the authority to institute corrective measures and is required to report sexual harassment to the Title IX Coordinator to initiate the College's response to the sexual harassment allegations. The College's Officials with Authority include the following positions at the College: Title IX Coordinator and Assistant Title IX Coordinator(s); President of the College, all Vice Presidents/Deans.

*Party:* a Complainant or Respondent.

*Relevant:* related to the allegations of sexual harassment under investigation as part of the grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sexual harassment occurred, and evidence is relevant when it may aid a Hearing Decisionmaker or Appellate Decisionmaker in determining whether the alleged sexual harassment occurred.

*Remedies:* measures designed to restore or preserve equal access to the College's education program or activity; remedies may include, but are not limited to, the same individualized services as supportive measures, however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

*Respondent:* an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

*Responsible Reporting Official:* any individual who is employed by the College and not deemed to be a Confidential Employee or Official with Authority. Responsible Reporting Officials are mandated by the College to report sexual harassment to the Title IX Coordinator promptly upon receiving a report of sexual harassment.

*Retaliation:* intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or these Procedures.

Nothing in this definition precludes a College from requiring an employee or other person authorized by a College to provide aid, benefit, or service under the College's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing.

*Student:* a person who has gained admission.

*Supportive Measures:* non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed.

Such measures are designed to restore or preserve equal access to the College's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter sexual harassment.

Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

## **F. Prohibited Conduct**

Under Title IX, Prohibited Conduct includes sexual harassment, sexual assault, dating violence, domestic violence, and stalking as defined below.

To the extent that federal or state laws addressing conduct that could be deemed Prohibited Conduct are created or amended, engaging in such conduct shall be considered a violation of these Procedures even if the definitions below have not been updated to reflect the most recent additions to or changes in law.

Sexual Harassment: conduct on the basis of sex that satisfies one or more of the following:

(1) An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct (quid pro quo sexual harassment);

(2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity (hostile environment sexual harassment).

A severe, pervasive, and objectively offensive assessment includes, but is not limited to, a consideration of the following:

(i) the frequency of the offensive conduct;

(ii) the nature of the unwelcome sexual act or words, such as whether the harassment was physical, verbal or both;

- (iii) Whether the harassment was an offensive utterance, and;
- (iv) the number of victims involved and the relationship between the parties including, but not limited to, the ages of the harasser and the victim; and

In evaluating whether conduct is severe, pervasive, and objectively offensive, the College will look at the totality of the circumstances, expectations, and relationships.

(3) Sexual Assault, Dating Violence, Domestic Violence or Stalking as defined in these Procedures.

Sexual Assault: an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system and the Summary Reporting System User Manual of the Federal Bureau of Investigation as used in the Clery Act

*Sex Offenses*— Any sexual act directed against another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent.

- i. *Nonconsensual sexual intercourse (Rape)*— Penetration, regardless of how slight (or an attempt to commit the same), of the vagina or anus with any body part or object, or oral penetration by a sex organ of another individual, or by a sex-related object.

This definition covers cases where the Complainant cannot provide consent due to temporary or permanent mental or physical incapacity (including resulting from drugs or alcohol) or due to age. Physical resistance by the Complainant is not required to establish lack of consent.

- i. *Nonconsensual sexual contact (Fondling)*— The intentional touching (or an attempt to commit the same) of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of the Complainant by the Respondent without the consent of the Complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation; or

The intentional touching by the Complainant of the Respondent's clothed or unclothed genitals, buttocks, groin, breasts, or other body parts, without consent of the Complainant for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

This offense includes instances where the Complainant is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication for the purpose of sexual degradation, sexual gratification, or sexual humiliation.

- ii. *Incest*—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- iii. *Statutory Rape*—Sexual intercourse with a person who is under the statutory age of consent.

Dating Violence: violence committed by a person—

- (i) who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
- (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship,
- The type of relationship,
- The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Domestic Violence: felony or misdemeanor crimes of violence committed by a person who:

- Is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of the jurisdiction of the College or a person similarly situated to a spouse of the Complainant,
- shares a child in common with the Complainant,
- is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- commits acts against a youth or young adult Complainant who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- (i) fear for the person's safety or the safety of others; or
- (ii) suffer substantial emotional distress.

*Course of Conduct* means two or more acts, including, but not limited to, acts in which the individual directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

*Reasonable Person* means a reasonable person under similar circumstances and with similar identities to the Complainant.

*Substantial Emotional Distress* means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

## **G. Reporting Procedures**

A report of sexual harassment can be made to the persons below in person (during business hours) or by mail, telephone, or by email using the contact information below at any time, including during non-business hours. A report of sexual harassment can also be made by completing the online reporting form at [https://marionmilitary.my.salesforce-sites.com/inquiry/TargetX\\_Base\\_InquiryForm#?formId=a0BKa0000098g6CMAQ&formType=general&](https://marionmilitary.my.salesforce-sites.com/inquiry/TargetX_Base_InquiryForm#?formId=a0BKa0000098g6CMAQ&formType=general&).

- (1) **Reporting to the Title IX Coordinator:** Reports of sexual harassment may be made to the Title IX Coordinator in any of the following ways, by anyone, at any time: email, phone, online form, mail. Reports may be made to the Title IX Coordinator in person in the Administrative Building. After an incident of sexual harassment has been reported to the Title IX Coordinator, the Title IX Coordinator will promptly offer supportive measures to the Complainant, regardless of whether the Complainant was the reporter of the Sexual Harassment.
- (2) **Reporting to Officials with Authority:** If Officials with Authority are notified of sexual harassment, they shall promptly report such sexual harassment to the Title IX Coordinator who will take immediate action under this Procedure. The College's Officials with Authority include the following positions at the College: Title IX Coordinator and Assistant Title IX Coordinator(s); President of the College, all Vice Presidents/Deans.

- (3) Reporting to Responsible Reporting Officials: MMI employees who are not Confidential Employees or Officials with Authority are mandated by the College to report alleged sexual harassment to the Title IX Coordinator promptly upon receiving a report of sexual harassment.
- (4) Reporting to Confidential Employees: Reports of sexual harassment made to Confidential Employees are considered confidential reports and will not be reported to the Title IX Coordinator without the Complainant's permission and will not constitute actual notice to the College. The College's Confidential Employees include the following positions at the College: School Nurse, Counselor, and Clergy.
- (5) Anonymous Reporting: Anonymous reports may be made by telephone, in writing or electronically to the Title IX Coordinator. A decision to remain anonymous, however, may greatly limit the College's ability to stop the alleged conduct, collect evidence, or take action against parties accused of violating this Procedure.
- (6) Reporting to Local Law Enforcement: Reports of sexual harassment may be filed with local law enforcement agencies. The Title IX Coordinator can assist with contacting law enforcement agencies. Law enforcement investigations are separate and distinct from the College's investigations.

Mandatory Reporting under Alabama Law: Alabama law imposes a mandatory duty on all College employees to immediately report all incidences of known or suspected child abuse. Such reports must be made to the College's Safety & Security Department. The College also encourages students, volunteers, and representatives (as well as third-party vendors and their employees, representatives, or volunteers that contract for use of College facilities with responsibilities that involve interaction with children) to report (verbally and in writing) known or suspected child abuse to the College's Safety & Security Department. Sexual abuse is one element of the more comprehensive term "abuse" under Alabama law. For child protection purposes, a child is any person under 18 years of age or any individual under 19 years of age who is in need of protective services and does not qualify for adult protective services under Chapter 9 of Title 38 in Alabama Law. A freshman student, a "dual enrolled" high school student, or a summer camp participant, among others, may fall into the category of a "child."



### Consolidation of Complaints

The College may consolidate complaints of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations of sexual harassment arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, references below to a party, Complainant, or Respondent include the plural, as applicable.

The College will not consolidate complaints if consolidation would violate the Family Educational Rights and Privacy Act (FERPA). Consolidation would not violate FERPA when the College obtains prior written consent from parties to the disclosure of their educational records.

### Amnesty for Students

The College strongly encourages students to report incidents violating the policy related to discrimination, harassment, sexual harassment, and related inappropriate conduct. The College's primary concern is the safety of the members of the college community, and it encourages behavior that demonstrates care and concern for members of the community. Accordingly, the College reserves the right to provide a reprieve from disciplinary actions for Complainants and other individuals who exhibit responsible and proactive behavior in reporting sexual harassment or other prohibited conduct or for students acting as a witness during the formal grievance procedures. The College may provide referrals to counseling and may require educational options, rather than disciplinary sanctions, in such cases.

## **H. Supportive Measures**

Supportive measures may vary depending on what the College deems to be reasonably available. These measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment. Complainants are eligible for supportive measures at the time their identity is known to the Title IX Coordinator. Respondents are eligible for supportive measures at the time that notice of an alleged complaint has been given.

Supportive measures cannot unreasonably burden either party and must be designed to protect the safety of the parties or the College's educational environment, or to provide support during the College's grievance procedures or during the informal resolution process. The College will not impose such measures for punitive or disciplinary reasons.

The College may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process or the College may continue them beyond that point.

The College will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity.

If the party is a student with disabilities, The Title IX Coordinator may consult, as appropriate, with the individual or office that the College has designated to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, in the implementation of supportive measures.

## **I. Emergency Removals and Administrative Leave**

The College may remove a Respondent from the College's education program or activity on an emergency basis, provided that the College undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health and safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision to the Title IX Coordinator in writing within three (3) business days following the removal.

The College may place a non-student employee Respondent on administrative leave from employment responsibilities during the pendency of the College's grievance procedures.

Any challenges to an emergency removal should be sent to the Title IX Coordinator in writing within three (3) business days of the notification to the Respondent of the emergency removal. The Respondent should state the reasons for the challenge and any supporting documentation. The Title IX Coordinator will forward all documentation to the President to render a decision within five (5) business days. The President will notify both parties in writing of the decision.

## **J. Initial Evaluation & Complaint Dismissals**

### Initial Evaluation

When a report has been made, the Title IX Coordinator will contact the Complainant for an initial discussion to provide information of their rights and options, availability of supportive measures, consideration of the Complainant's wishes with respect to supportive measures, explanation of the policy and grievance procedures and the process for filing a Formal Complaint.

During the initial discussion with the Complainant, the Title IX Coordinator will gather facts that will enable the Title IX Coordinator to evaluate the allegations and make a determination on whether to dismiss the complaint or investigate the complaint. A Formal Complaint must contain an allegation of sexual harassment against a Respondent, a request for the College to investigate the allegation, and be signed by the Complainant or the Title IX Coordinator. A Complainant may only file a formal complaint if the Complainant is participating or attempting to participate in the College's education program or activity.

In limited circumstances, if a Complainant does not sign a Formal Complaint, the Title IX Coordinator may sign a Formal Complaint. To make a fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

- (i) the Complainant's request not to proceed with initiation of a complaint;
- (ii) the Complainant's reasonable safety concerns regarding initiation of a complaint;
- (iii) The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- (iv) The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- (v) The age and relationship of the parties, including whether the Respondent is an employee of the College;

- (vi) The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- (vii) The availability of evidence to assist in a Decisionmaker in determining whether sex discrimination occurred; and
- (viii) Whether the College could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

#### Mandatory Complaint Dismissals

The Title IX Coordinator will dismiss a Formal Complaint for purposes of sexual harassment if:

- (1) The conduct alleged in the Formal Complaint would not constitute sexual harassment as defined in these Procedures, even if proved;
- (2) The conduct alleged did not occur in the College's education program or activity; or
- (3) The conduct alleged in the Formal Complaint did not occur against a person in the United States.

#### Permissive Complaint Dismissals

The Title IX Coordinator may dismiss a Formal Complaint or any allegation within the Formal Complaint, if at any time during the investigation or hearing:

- (1) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations in the Formal Complaint;
- (2) The Respondent is no longer enrolled in the College; or
- (3) Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations within the Formal Complaint.

Upon dismissal, the Title IX Coordinator will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the Title IX Coordinator will notify the parties simultaneously in writing.

The Title IX Coordinator will notify the Complainant that a dismissal may be appealed on the bases outlined in Section M of these Procedures. If dismissal occurs after the Respondent has been notified of the allegations, then the Title IX Coordinator will also notify the Respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, the College will follow the procedures outlined in Section M of these Procedures.

When a complaint is dismissed, the College will, at a minimum:

- (1) Offer supportive measures to the Complainant as appropriate;
- (2) If the Respondent has been notified of the allegations, offer supportive measures to the Respondent as appropriate; and
- (3) Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sexual harassment does not continue or recur within the College's education program or activity.

#### **K. Complaint Investigation**

The College will treat Complainants and Respondents equitably.

The College presumes that the Respondent is not responsible for the alleged sex-based harassment until a determination is made at the conclusion of its grievance procedures.

It is the goal of the College to complete investigations in a prompt timeframe. Any timeframes or deadlines may be extended when necessary to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of parties and/or witnesses, account for College breaks or vacations, and the complexity of the investigation or severity and extent of the alleged conduct. The Title IX Coordinator will notify both parties in writing of any College delays.

If a Complainant or Respondent shall request a delay in the investigation or extension of any timeframes, the party must notify the Title IX Coordinator in writing as soon as practicable stating the requested new timeframe and reason for the delay or extension. The Title IX Coordinator will notify the party in writing of the denial or both parties in writing of the approval within three (3) business days of notification of the request. Any delays or extension will apply equally to both parties.

All requests will be on a case-by-case basis for good cause.

Parties have the opportunity to be accompanied to any meeting or proceeding by one (1) Advisor of their choice, who may be, but is not required to be, an attorney.

- The College will not limit the choice or presence of the Advisor for the Complainant or Respondent in any meeting or proceeding. Both parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available. However, the College has the right to remove any Advisor who does not adhere to the College's policies and procedures.
- The College cannot guarantee equal advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide an attorney to advise that party.
- If a party requests that all communication be made through their attorney Advisor instead of to the party, the College will agree to copy both the party and their Advisor on all communications.
- Advisors should help the parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak for the party unless given specific permission to do so.
- The parties are expected to ask and respond to questions on their own behalf throughout the grievance process. Although the Advisor generally may not speak for the party, the Advisor may consult with the party, either privately as needed, or by conferring or passing notes during any meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Parties have the opportunity to have one (1) support person of their choice, a person other than the Advisor, present during any meeting or proceeding.

### Written Notice of Allegations

Upon receipt of a Formal Complaint, the Title IX Coordinator will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

(1) Notice of the party's rights and options

(2) Notice of the College's grievance process

- (3) Notice of the College's informal resolution process and options
- (4) Notice of the allegations of sexual harassment including: the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the incident, if known
- (5) Notice that the Respondent is presumed not responsible of the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process
- (6) Notice that the parties may have an Advisor of their choice, who may be, but is not required to be an attorney, and that the Advisor may inspect and review evidence
- (7) Notice of the College's Student Code of Conduct provision that prohibits knowingly making false statements or knowingly submitting false information during the grievance process

If, in the course of an investigation, the College decides to investigate additional allegations of sexual harassment by the Respondent toward the Complainant that are not included in the written notice or that are included in a consolidated complaint, the Title IX Coordinator will provide written notice of the additional allegations to the parties.

### Investigation

The College will conduct an investigation following a Formal Complaint and Notice of Allegations. The Title IX Coordinator will assign an Investigator(s) to conduct the investigation. During all meetings and interviews the parties may be accompanied by an Advisor of their choice, which can be, but is not required to be an attorney. During the investigation stage of the grievance process, the Advisor's role is limited to assisting, advising, and/ or supporting a Complainant or Respondent. An Advisor is not permitted to speak for or on behalf of a Complainant or Respondent or appear in lieu of a Complainant or Respondent during the investigation phase of the grievance process.

Each party will be provided an equal opportunity to provide information to the Investigator and present witnesses for the Investigator to interview. The information provided by the parties can include inculpatory and exculpatory evidence. The witnesses can include both fact witnesses and expert witnesses.

Each party will be provided an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including evidence upon which the College does not intend to rely upon in reaching a determination regarding responsibility. This review includes inculpatory and exculpatory evidence that is obtained by a party, witness, or other source. Each party and their Advisor (if any) will be provided an electronic copy of the evidence for inspection and review. The parties will have ten (10) business days to review and submit a written response to the Investigator. The Investigator will consider the written responses prior to completing an investigative report. All evidence provided during the inspection and review phase will be available at any hearing for the parties to use during the hearing, including for purposes of cross examination.

Following the opportunity to inspect and review evidence directly related to the allegations raised in the Formal Complaint, the Investigator will create an investigative report that fairly summarizes relevant evidence obtained during the investigation.

At least ten (10) business days prior to a hearing, the Investigator will provide each party and the party's Advisor (if any) an electronic copy of the investigative report that includes the parties review and written response, if any.

## **L. Hearing**

After the investigation, the College will provide for a live hearing for all Formal Complaints of sexual harassment that have not been dismissed or resolved by informal resolution. At the request of either party, or at the discretion of the Title IX Coordinator, the College will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the Hearing Decisionmaker and parties to simultaneously see and hear the other party or witness answering questions.

The Hearing Decisionmaker(s) will be appointed by the College and will not be the Title IX Coordinator or Investigator. The Hearing Decisionmaker(s) will be trained, impartial, and without a conflict of interest. The Hearing Decisionmaker(s) may be a panel of three (3) College employees with one panel member serving as a chairperson, or a single Hearing Decisionmaker or an external individual designated by the College.



Either party may challenge the appointment of a Hearing Decisionmaker, based on conflict of interest or bias, in writing to the Title IX Coordinator, no less than five (5) business days prior to the scheduled hearing.

The College will create an audio or audiovisual recording of all live hearings and make the recording available to the parties for inspection or review.

The Hearing Decisionmaker will serve as the hearing process facilitator to coordinate the hearing, including, but not limited to, coordination and scheduling of the hearing; the logistics of physical or virtual rooms for parties and/or witnesses, including separation of the parties; ensuring all technology is working appropriately; ensuring the parties have access to electronic documents during the hearing; distributing materials; etc. The Hearing Decisionmaker may invite the parties and their advisors, separately, to a meeting prior to the hearing to review the hearing process for the purpose of ensuring a smooth hearing. This meeting is separate from the pre-hearing conference discussed below.

Participants at the hearing include the Hearing Decisionmaker(s) serving as the hearing facilitator, the Title IX Coordinator, the Investigator(s) who conducted the investigation, the parties, advisors to the parties, witnesses and anyone providing authorized accommodations. Any witnesses scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have provided a written statement or answered questions from the Investigator in writing.

#### Advisor's Role at the Hearing

Each party must have an Advisor present at the hearing. The Advisor's role is limited to supporting, advising, and assisting the party during the hearing and conducting questioning (cross-examination) of participants. Advisors are required to follow rules of decorum enforced by the Hearing Decisionmaker(s). Failure to follow the rules of decorum by an Advisor may result in removal of an Advisor from the hearing. If a party does not have an Advisor present at the live hearing, the College will appoint the party with an Advisor without fee or charge.

#### Pre-Hearing Conference

The Hearing Decisionmaker(s) may hold a pre-hearing conference. In order to streamline the hearing process, the Hearing Decisionmaker(s) may request the submission of questions prior

to the hearing through electronic submission and/or a pre-hearing conference. During the pre-hearing conference, parties and their advisors will be asked to submit, in writing, any questions they wish to ask during the live hearing so that the Hearing Decisionmaker(s) can be prepared to respond to relevancy at the hearing. The Hearing Decisionmaker(s) may allow for the pre-hearing submission of questions regardless of whether a pre-hearing conference occurs.

This conference does not preclude an Advisor from asking additional questions live during the hearing.

At the pre-hearing conference, the Hearing Decisionmaker(s) may also hear arguments regarding the relevance of the evidence identified in the investigation report as relevant or not relevant, and/or directly related to the allegations.

### Hearing Process

The hearing process will proceed as follows:

- (1) Notice of Hearing: After the investigative report has been completed and at least ten (10) business days prior to the date set for the hearing, the parties and their advisors (if any) will be provided with a Notice of the Hearing. The Notice will include the date, time, location, name of the Hearing Decisionmaker(s), names of all participants in the hearing, and the location (virtual or in person) of the hearing.
- (2) Opening Statement: Each party will have the opportunity to present an opening statement, no more than five (5) minutes, to the Hearing Decisionmaker(s).
- (3) Review of Hearing Procedures, Formal Complaint, and Notice of Allegations by Hearing Decisionmaker(s).
- (4) Questioning of Parties and Witnesses: The College will provide a process that enables the Hearing Decisionmaker(s) to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sexual harassment.

The Hearing Decisionmaker(s) will ask initial questions of the participants at the hearing.

After the Hearing Decisionmaker(s) asks questions of a participant, each party's Advisor will be permitted to ask relevant questions and follow up questions orally, directly, and in real time of the participant. The parties are never permitted to ask questions of participants directly. The questioning of participants by Advisors will be conducted in the following manner:

- (i) a question is asked by an Advisor
- (ii) Before the participant answers the question, the Hearing Decisionmaker(s) determines whether the question is relevant
- (iii) If the question is determined to be relevant by the Hearing Decisionmaker(s), the participant answers the question
- (iv) If the question is determined not to be relevant by the Hearing Decisionmaker(s), the Hearing Decisionmaker(s) must explain the decision to exclude a question as not relevant.

Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The Hearing Decisionmaker(s) will give a party an opportunity to clarify or revise a question that the Hearing Decisionmaker(s) determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked by party's Advisor.

#### Evidence and Questions Excluded

**Sexual Predisposition or Prior Sexual Behavior of the Complainant:** Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

**Privileged Information:** No person will be required to disclose information protected under a legally recognized privilege. The Hearing Decisionmaker(s) must not allow into evidence or rely upon any questions or evidence that may require or seek disclosure of such information, unless the person holding the privilege has waived the privilege. This includes information protected by the attorney-client privilege.

**Medical Records:** Evidence or records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the

professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, are not permitted to be used during a hearing unless the party provides voluntary, written permission to do so for the grievance process within these Procedures.

The Hearing Decisionmaker(s) may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The Hearing Decisionmaker(s), however, will not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

(5) Closing Statements: Each party will have the opportunity to present a closing statement, no more than five (5) minutes, to the Hearing Decisionmaker(s).

#### Determination Whether Sexual Harassment Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the Hearing Decisionmaker(s) will deliberate in private and will:

- (1) Use the preponderance of the evidence standard of proof to determine whether sexual harassment occurred. This means that the Hearing Decisionmaker(s) will decide whether it is more likely than not based upon the available information at the time of the decision, that the Respondent is in violation of the alleged Policy violation(s). The standard of proof requires the Hearing Decisionmaker(s) to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the Hearing Decisionmaker(s) is not persuaded under the applicable standard by the evidence that sexual harassment occurred, whatever the quantity of the evidence is, the Hearing Decisionmaker(s) will not determine that sexual harassment occurred.
- (2) Notify the parties simultaneously in writing of the determination whether sexual harassment occurred under Title IX including:
  - Identification of the allegations potentially constituting sexual harassment;
  - A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
  - Findings of fact supporting the determination;

- Conclusions regarding the application of the Procedure to the facts;
- A statement of, and rationale for, the result of each allegation, including a determination regarding responsibility, any disciplinary sanctions that the College imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's education program or activity will be provided by the College to the Complainant; and
- The procedures and permissible bases for the Complainant and Respondent to appeal.

The Hearing Decisionmaker(s) will send the written notification of hearing outcome to both parties within fourteen (14) business days of the conclusion of the hearing.

The College will not impose disciplinary sanctions on a Respondent for sexual harassment prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the Respondent engaged in prohibited sexual harassment.

If there is a determination that sexual harassment occurred, as appropriate, the Title IX Coordinator will:

- Coordinate the provision and implementation of remedies to a Complainant and other people the College identifies as having had equal access to the College's education program or activity limited or denied by sexual harassment;
- Coordinate the imposition of any disciplinary sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions; and
- Take other appropriate prompt and effective steps to ensure that sexual harassment does not continue or recur within the College's education program or activity.

The College shall not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sexual harassment occurred.

### Sanctions

Factors considered by the Hearing Decisionmaker(s) when determining sanctions and responsive actions may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation

- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Hearing Decisionmaker(s)

The sanctions will be implemented upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

### Student Sanctions

The following are the common sanctions that may be imposed upon students singly or in combination:

- Reprimand
- Required Counseling
- Probation
- Suspension
- Expulsion
- Withholding Diploma
- Revocation of Degree
- Reduction in Rank
- Penalty Hours
- Restriction to Campus
- Other Actions: In addition to, or in place of, the above sanctions, the College may assign any other sanctions as deemed appropriate.

### Employee Sanctions/Responsive/Corrective Actions

Responsive actions for an employee who has engaged in sex-based harassment include:

- Verbal or Written Warning
- Performance Improvement Plan/Management Process
- Enhanced Supervision, Observation, or Review
- Required Counseling
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility

- Demotion
- Transfer
- Shift or schedule adjustments
- Reassignment
- Delay of (or referral for delay of) Tenure Track Progress
- Assignment to New Supervisor
- Restriction of Stipends, Research, and/or Professional Development Resources
- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination
- Other Actions: In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate.

## **M. Appeals**

The College will offer an appeal from a dismissal of a Formal Complaint or determination whether sexual harassment occurred on the following bases:

- (1) Procedural irregularity that affected the outcome of the matter;
- (2) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- (3) The Title IX Coordinator, Investigator, or Hearing Decisionmaker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; or
- (4) Sanctions were disproportionate to the policy violation(s).

If either party wishes to appeal a dismissal of a Formal Complaint or determination whether sexual harassment occurred, the party must submit an appeal in writing to the Title IX Coordinator within three (3) business days of receiving written notification of the hearing determination. The party requesting the appeal should state the basis for the appeal and any supporting documentation.

If a party appeals a dismissal of a Formal Complaint or determination whether sexual harassment occurred, the Title IX Coordinator will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the Appellate Decisionmaker for the appeal is not the same person as the Hearing Decisionmaker(s) that reached the determination regarding responsibility or dismissal of the Formal Complaint, the Investigator or the Title IX Coordinator;
- Ensure that the Appellate Decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the non-appealing party with five (5) business days from receipt of the notification of appeal to submit a written statement in support of the outcome of the determination whether sexual harassment occurred or dismissal of the Formal Complaint;

The written determination on responsibility and sanctions, if applicable, are postponed until the decision on the appeal is sent to the parties. Supportive measures will remain in place during the appeal period.

The Appellate Decisionmaker will issue a written decision describing the result of the appeal and the rationale for the result which can be one of the following: (1) affirm the determination of the Hearing Decisionmaker(s) and affirm the disciplinary sanctions and remedies, if applicable (2) affirm the determination of the Hearing Decisionmaker(s) regarding the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable (3) remand the process back to the hearing stage for the Hearing Decisionmaker(s) to remedy any procedural irregularity or consider any new evidence (4) reverse the Hearing Decisionmaker(s)' determination of the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable or (5) affirm or amend the sanctions and/or remedies outlined in the determination.

The Appellate Decisionmaker will notify both parties in writing of their decision within fourteen (14) business days of receipt of the appeal.

The determination regarding responsibility becomes final on the date that the College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

At the conclusion of the appeals process, employee Respondents will receive all rights, if applicable and if any, which are granted by either their contract or the Alabama Students First Act in the event any disciplinary sanction is proposed.



## **N. Informal Resolution**

In lieu of resolving a complaint through the College's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. Informal resolution does not involve an investigation, adjudication hearing, or disciplinary action against a Respondent and is not appropriate for all forms of conduct under these Procedures. Informal resolution is not an option for sexual harassment incidents involving a student Complainant and an employee Respondent. Both parties must voluntarily agree in writing to participate in the informal resolution process.

The Title IX Coordinator will inform the parties in writing of the informal resolution process it offers. The College will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, the Title IX Coordinator will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the College will maintain and whether and how the College could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Informal resolution will be facilitated by Informal Resolution Facilitators. The time frame for completion of informal resolution may vary, but the College will seek to complete the process within a prompt timeframe.

The College retains the discretion to determine which cases are appropriate for informal resolution. The College may gather information necessary through interviewing individuals and other evidence gathering to determine if the case is appropriate for informal resolution. Factors the College will consider when determining whether a report of Prohibited Conduct is suitable for informal resolution include, but are not limited to, the following:

- The nature of the alleged offense;
- The dynamics of power or control commonly associated with the alleged offense and/or with the parties involved;
- The Respondent's prior known conduct;
- Whether there would be a continuing safety threat to the campus community after resolution of the specific report of Prohibited Conduct;
- Whether multiple parties are involved;
- Whether the resolution proposed is designed to eliminate, prevent, and address the reported Prohibited Conduct; and
- Any other factor deemed relevant by the Title IX Coordinator in the interest of overall campus safety or safety of the parties involved.

Informal resolution may result in the following remedies: establishing supportive measures; conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; the Respondent is willing to accept responsibility for violating Policy and is willing to agree to actions that will be enforced similarly to sanctions; and any other remedy that can be tailored to the involved individuals to achieve the goals of these Procedures.

Informal resolution may also include restorative principles that are designed to allow a Respondent to accept responsibility for misconduct and acknowledge harm to the Complainant or to the College community. Informal resolution may also include mediation.

Participation in informal resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation at any time, including if informal resolution is unsuccessful at resolving the report. Similarly, a Complainant may request to end an investigation and pursue informal resolution at any time if the Respondent also consents to informal resolution. In addition, either party may request supportive measures regardless of whether any particular course of action is sought.

The College may also decide to proceed with a formal investigation and withdraw its approval for the informal resolution at any time during the process. If additional potential policy violations are revealed during the informal resolution process, the College may withdraw its approval for the process and proceed with a formal investigation or the College, with the consent of the parties, may continue the informal resolution process and resolve the additional potential policy violations.

Information disclosed by any party during the informal resolution process will not be considered during a subsequent investigation or adjudication hearing.

Because the outcome of informal resolution process is mutually developed and agreed upon by the parties, an appeal of the process and its result is not permitted.

#### **O. Confidentiality and Privacy**

The College will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

#### **P. Retaliation**

Neither the College nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Procedures or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under these Procedures.

Alleged acts of Retaliation will be referred to the Title IX Coordinator and may be investigated and resolved under the respective Student Code of Conduct or Employee Policy.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this Policy.

Charging an individual with a Student Code of Conduct/Employee Policy violation for making a materially false statement in bad faith in the course of a Title IX grievance proceeding does not constitute Retaliation prohibited under these Procedures.

#### **Q. Freedom of Speech and Academic Freedom**

Freedom of speech and principles of academic freedom are central to the mission of the College. Constitutionally protected expression cannot be considered sexual harassment under these Procedures. To establish a violation of Title IX, the harassment must be subjectively

and objectively offensive and so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity.

## **R. Records Retention**

The College will maintain all of the documentation related to reports of sex discrimination and sexual harassment, the grievance process, and information resolution process for seven (7) years in accordance with state and federal records laws and requirements. The documentation of all records is private and confidential to the extent possible under law. Student records of the grievance process are disciplinary records under the Family Education Rights and Privacy Act (FERPA). Employee records of the grievance process are subject to the Freedom of Information Act (FOIA) and applicable state laws and included in the employee's official employment record.

**Reference: Alabama Community College System Board of Trustees 620.03: Sexual Harassment Complaints; 800.01: Sex-Based Harassment Complaints**

## **4.23 TITLE IX DISCRIMINATION COMPLAINTS**

### **A. Policy Statement**

Marion Military Institute (the "College") is committed to creating and maintaining a learning and working environment that is free from unlawful discrimination based on sex in accordance with Title IX of the Higher Education Amendments of 1972 (Title IX), which prohibits discrimination on the basis of sex in education programs or activities; Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits sex discrimination in employment; and the Campus Sexual Violence Elimination Act, the Jeanne Clery Campus Safety Act, and the Violence Against Women Act (VAWA). Sex discrimination and retaliation under these Procedures will not be tolerated by the College and is grounds for disciplinary action, up to and including, permanent dismissal from the College and/or termination of employment.

### **B. Purpose**

The College takes all reported sex discrimination seriously. The College will promptly take action against any individuals within its control who are found responsible for violating these Procedures.

### **C. Application of these Procedures**

These Procedures apply to complaints of sex discrimination covered under Title IX, but which do not fall within the category of sexual harassment as defined in the Grievance Procedures for Complaints of Title IX Sexual Harassment. These Procedures also apply to any complaints of retaliation as defined by the Grievance Procedures for Complaints of Title IX Sexual Harassment <https://www.marionmilitary.edu/faculty-and-staff/titleix/>

Discrimination prohibited under this policy includes: the exclusion from participation in, denial of the benefits from, or subjection to unfavorable treatment in any College education program or activity on the basis of sex, including sexual orientation or gender identity.

These Procedures are the exclusive means of resolving complaints of alleged violations of Title IX involving complaints of non-harassment Title IX discrimination brought against College faculty, staff, employees, and students. To the extent there are any inconsistencies between these procedures and other College grievance, complaint, or discipline procedures, these complaint resolution procedures will control the resolution of complaints alleging non-harassment Title IX discrimination.

#### **D. Title IX Coordinator**

The College's Title IX Coordinator is the person designated by the College who is responsible for coordinating the College's compliance with its obligations under Title IX. The Title IX Coordinator is responsible for the administrative response to complaints of sex discrimination. The Title IX Coordinator is available to discuss the grievance process, coordinate supportive measures, explain the College's policies and procedures, and provide education on relevant issues. The Title IX Coordinator may designate one or more Assistant Title IX Coordinators to facilitate any of these responsibilities.

Any member of the College's community may contact the Title IX Coordinator with questions. The Title IX Coordinator and Assistant Title IX Coordinator(s) contact information is as follows:

Carmon Fields  
Title IX Coordinator  
1101 Washington Street, Marion, AL 36756  
334-683-2368  
[cfields@marionmilitary.edu](mailto:cfields@marionmilitary.edu)

Dawn Curtis  
Deputy Title IX Coordinator  
1101 Washington Street, Marion, AL 36756  
334-683-2350  
[dcurtis@marionmilitary.edu](mailto:dcurtis@marionmilitary.edu)

In addition to the Title IX Coordinator and Assistant Title IX Coordinator(s), the Title IX staff may include Investigators, Appellate Decisionmakers, Advisors, if applicable, and Informal Resolution Facilitators who have roles in the formal grievance process, which are detailed in this Procedure.

The Title IX Coordinator, Assistant Title IX Coordinator(s), Investigators, Appellate Decisionmakers, Advisors, if applicable, and Informal Resolution Facilitators will receive annual training in compliance with Title IX. All administrators in these roles will not rely on sex stereotypes and will provide impartial investigations and adjudications of complaints of sex discrimination. All materials used to train these administrators will be available upon request for inspection by members of the public in accordance with Title IX regulations.

#### Conflict of Interest

The Title IX Coordinator, Assistant Title IX Coordinator(s), Investigators, Appellate Decisionmakers, and Informal Resolution Facilitators shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. Whether bias exists requires examination of the particular facts of a situation. A determination of bias must be based on an objective evaluation of the available facts (i.e., whether a reasonable person would believe bias exists).

Any person exercising investigative or decision-making authority under these Procedures who believes they may have a potential conflict of interest or bias that would prevent them from impartially exercising their authority, must disclose the potential conflict/bias to the Title IX Coordinator as soon as practicable after it is discovered. Arrangements will then be made to designate a conflict/bias free alternative in the case at issue.

If the Complainant or the Respondent believes the Title IX Coordinator has a conflict of interest or bias, such objection should be made to the President as soon as practicable after the potential

conflict or bias is discovered. If the President determines that the objection is reasonable, the Title IX Coordinator will be replaced with a conflict/bias free Assistant Title IX Coordinator.

If the objection as to a conflict or bias is made with respect to an Investigator, such objection should be reported to the Title IX Coordinator as soon as practicable after the potential conflict or bias is discovered. If the Title IX Coordinator determines that the objection is reasonable, the Investigator will be replaced with a conflict/bias free alternative Investigator.

If the objection as to a conflict or bias is made with respect to an Appellate Decisionmaker, such objection must be reported to the Title IX Coordinator before the appeal decision. If the Title IX Coordinator determines that the objection is reasonable, the challenged person will be replaced with a conflict/bias free Appellate Decisionmaker.

The decision of the Title IX Coordinator or President (in objections to the Title IX Coordinator), regarding an objection will be final.

Knowledge of or acquaintance with the Complainant, Respondent, or witnesses in a matter; awareness of a matter; participation as a consequence of one's official role in events surrounding a matter; and/or participation in the investigation process prior to the formal disciplinary process does not automatically result in the finding of a disqualifying conflict; however, such factors may be considered in determining whether a conflict exists.

The mere fact that a certain number of findings under these Procedures result in determinations of responsibility, or non-responsibility, does not necessarily indicate or imply bias on the part of Title IX personnel.

## **E. Definitions**

*Business Day:* any weekday not designated by the College as a holiday or administrative closure day. When calculating a time period of business days specified in these Procedures, the business day of the event that triggers a time period is excluded.

*Complainant:* An individual who is alleged to be the victim of conduct that could constitute sex discrimination.

*Complaint:* a written request to the College that objectively can be understood as a request for the College to investigate and make a determination about alleged discrimination under Title IX or its regulations.

*Confidential Employee:* an individual identified by the institution who will not report any information about an incident to the Title IX Coordinator without the Complainant's permission.

*Consent:* must be informed, voluntary, and mutual and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether or not a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

*Disciplinary Sanctions:* consequences imposed on a Respondent following a determination under Title IX that the Respondent violated the College's prohibition on sex discrimination.

*Education Program or Activity:* locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the conduct occurred, circumstances where the College has disciplinary authority and to misconduct occurring on College property, during any College activity, or in any building owned or controlled by the College or by a student organization that is officially recognized by the College.

*Incapacitation:* An individual who is incapacitated is unable to give consent to sexual contact. States of incapacitation include sleep, unconsciousness, intermittent consciousness, intoxication, or any other state where the individual is unaware that sexual contact is occurring or is otherwise unable to give informed and voluntarily consent. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to consent to sexual contact. Example: A person who is taking pain medication and falls asleep under the influence of the medication can be incapacitated and not be able to give consent to sexual contact.

*Official with Authority:* an individual who has the authority to institute corrective measures and is required to report sex discrimination, including sex-based harassment to the Title IX Coordinator to initiate the College's response to the sex discrimination and sex-based harassment allegations. The College's Officials with Authority include the following positions at the



College: Title IX Coordinator and Assistant Title IX Coordinator(s); President of the College, all Vice Presidents/Deans.

*Party:* a Complainant or Respondent.

*Relevant:* related to the allegations of sex discrimination under investigation as part of the grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a Decisionmaker in determining whether the alleged sex discrimination occurred.

*Remedies:* measures provided, as appropriate, to a Complainant or any other person the College identifies as having had their equal access to the College's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the College's education program or activity after a College determines that sex discrimination occurred.

*Respondent:* a person who is alleged to have violated the College's prohibition on sex discrimination.

*Responsible Reporting Official:* any individual who is employed by the College and not deemed to be a Confidential Employee or Official with Authority. Responsible Reporting Official are mandated by the College to report sex discrimination, including sex-based harassment to the Title IX Coordinator promptly upon receiving a report.

*Retaliation:* intimidation, threats, coercion, or discrimination against any person by the College, a student, or an employee or other person authorized by the College to provide aid, benefit, or service under the College's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing, including in an informal resolution process, grievance procedures, and in any other actions taken by a College, under the Title IX regulations.

Nothing in this definition precludes a College from requiring an employee or other person authorized by a College to provide aid, benefit, or service under the College's education program or activity to participate as a witness in, or otherwise assist with, an investigation, proceeding, or hearing.

*Student*: a person who has gained admission.

*Supportive Measures*: individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

- (1) Restore or preserve that party's access to the College's education program or activity, including measures that are designed to protect the safety of the parties or the College's educational environment; or
- (2) Provide support during the College's grievance procedures or during the informal resolution process.

## **F. Prohibited Conduct**

Under Title IX, Prohibited Conduct includes sex discrimination as defined below.

To the extent that federal or state laws addressing conduct that could be deemed Prohibited Conduct are created or amended, engaging in such conduct shall be considered a violation of this Policy even if the definitions below have not been updated to reflect the most recent additions to or changes in law.

**Sex Discrimination**: the exclusion from participation in, denial of benefits from, or subjection to unfavorable treatment in any educational or employment-related program or activity on the basis of sex, gender, sexual orientation, or gender identity. The discrimination can be based in whole or in part, upon the individual's actual or perceived protected characteristic.

## **G. Reporting Procedures**

A report of sex discrimination can be made to the persons below in person (during business hours) or by mail, telephone, or by email using the contact information below at any time, including during non-business hours. A report of sex discrimination can also be made by completing the online reporting form at <https://www.marionmilitary.edu/faculty-and-staff/titleix/>.

- (1) **Reporting to the Title IX Coordinator**: Reports of sex discrimination may be made to the Title IX Coordinator in any of the following ways, by anyone, at any time: email, phone, online form, mail. Reports may be made to the Title IX Coordinator in person in the Administration Building. After an incident of sex discrimination has been reported to the

Title IX Coordinator, the Title IX Coordinator will promptly offer supportive measures to the Complainant, regardless of whether the Complainant was the reporter of the sex discrimination.

- (2) Reporting to Officials with Authority: If Officials with Authority are notified of sex discrimination, they shall promptly report such sex discrimination to the Title IX Coordinator who will take immediate action under this Procedure. The College's Officials with Authority include the following positions at the College: Title IX Coordinator and Assistant Title IX Coordinator(s); President of the College, all Vice Presidents.
- (3) Reporting to Responsible Reporting Officials: College employees who are not Confidential Employees or Officials with Authority are mandated by the College to report alleged sex discrimination to the Title IX Coordinator promptly upon receiving a report of sex discrimination.
- (4) Reporting to Confidential Employees: Reports of sex discrimination made to Confidential Employees are considered confidential reports and will not be reported to the Title IX Coordinator without the Complainant's permission and will not constitute actual notice to the College. The College's Confidential Employees include the following positions at the College: School Nurse, Counselor, and Clergy.
- (5) Anonymous Reporting: Anonymous reports may be made by telephone, in writing or electronically to the Title IX Coordinator. A decision to remain anonymous, however, may greatly limit the College's ability to stop the alleged conduct, collect evidence, or take action against parties accused of violating these Procedures.
- (6) Reporting to Local Law Enforcement: Reports of sex discrimination may be filed with local law enforcement agencies. The Title IX Coordinator can assist with contacting law enforcement agencies. Law enforcement investigations are separate and distinct from the College's investigations.

Mandatory Reporting under Alabama Law: Alabama law imposes a mandatory duty on all College employees to immediately report all incidences of known or suspected child abuse. Such reports must be made to the College's Safety & Security Department. The College also encourages students, volunteers, and representatives (as well as third-party vendors and their employees, representatives, or volunteers that contract for use of College facilities with

responsibilities that involve interaction with children) to report (verbally and in writing) known or suspected child abuse to the College's Safety & Security Department. Sexual abuse is one element of the more comprehensive term "abuse" under Alabama law. For child protection purposes, a child is any person under 18 years of age or any individual under 19 years of age who is in need of protective services and does not qualify for adult protective services under Chapter 9 of Title 38 in Alabama Law. A freshman student, a "dual enrolled" high school student, or a summer camp participant, among others, may fall into the category of a "child."

### Consolidation of Complaints

The College may consolidate complaints of sex discrimination against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, references below to a party, Complainant, or Respondent include the plural, as applicable. The College will not consolidate complaints if consolidation would violate the Family Educational Rights and Privacy Act (FERPA). Consolidation would not violate FERPA when the College obtains prior written consent from parties to the disclosure of their educational records.

### Amnesty for Students

The College strongly encourages students to report incidents violating the policy related to discrimination, harassment, and related inappropriate conduct. The College's primary concern is the safety of the members of the college community, and it encourages behavior that demonstrates care and concern for members of the community. Accordingly, the College reserves the right to provide a reprieve from disciplinary actions for Complainants and other individuals who exhibit responsible and proactive behavior in reporting sex discrimination or other prohibited conduct or for students acting as a witness during the formal grievance procedures. The College may provide referrals to counseling and may require educational options, rather than disciplinary sanctions, in such cases.

### Allegations Related to Culture

Allegations related to a culture of sexual harassment or non-harassment sex discrimination by a group, organization, department, division, or the College as a whole will be investigated and resolved as closely as possible to these Procedures. Resolutions for a group, organization,

division or the College will be communicated with the highest ranking member of the group, organization, department, division or the College.

## **H. Supportive Measures**

The College will offer and coordinate supportive measures as appropriate for the Complainant and/or Respondent to restore or preserve that person's access to the College's education program or activity or provide support during the College's Title IX grievance procedures or during the informal resolution process. For complaints of sex discrimination, these supportive measures may include but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex discrimination. Complainants are eligible for supportive measures at the time their identity is known to the Title IX Coordinator. Respondents are eligible for supportive measures at the time that notice of an alleged complaint has been given.

Supportive measures cannot unreasonably burden either party and must be designed to protect the safety of the parties or the College's educational environment, or to provide support during the College's grievance procedures or during the informal resolution process. The College will not impose such measures for punitive or disciplinary reasons.

The College may, as appropriate, modify or terminate supportive measures at the conclusion of the grievance procedures or at the conclusion of the informal resolution process or the College may continue them beyond that point.

The College will not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one party of supportive measures provided to another party, unless necessary to provide the supportive measure or restore or preserve a party's access to the education program or activity.

If the party is a student with disabilities, The Title IX Coordinator may consult, as appropriate, with the individual or office that the College has designated to provide support to students with disabilities to determine how to comply with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, in the implementation of supportive measures.

## **I. Emergency Removals and Administrative Leave**

The College may remove a Respondent from the College's education program or activity on an emergency basis, provided that the College undertakes an individualized safety and risk analysis,

determines that an imminent and serious threat to the health or safety of a Complainant or any students, employees, or other persons arising from the allegations of sex discrimination justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

The College may place a student employee Respondent on administrative leave from employment responsibilities during the pendency of the College's grievance procedures.

Any challenges to an emergency removal should be sent to the Title IX Coordinator in writing within three (3) business days of the notification to the Respondent of the emergency removal. The Respondent should state the reasons for the challenge and any supporting documentation. The Title IX Coordinator will forward all documentation to the President to render a decision within three (3) business days. The President will notify both parties in writing of the decision.

## **J. Initial Evaluation**

When a report has been made, the Title IX Coordinator will contact the Complainant for an initial discussion to provide information of their rights and options, availability of supportive measures, consideration of the Complainant's wishes with respect to supportive measures, explanation of the policy and grievance procedures.

## **K. Complaint Investigation**

The College will treat Complainants and Respondents equitably.

Complainants and Respondents may be accompanied by one (1) Advisor of their choice throughout the investigation. An Advisor's role is limited to assisting, advising, and/ or supporting a Complainant or Respondent.

An Advisor is not permitted to speak for or on behalf of a Complainant or Respondent or appear in lieu of a Complainant or Respondent.

- Both parties may select whomever they wish to serve as their Advisor as long as the Advisor is eligible and available. However, the College has the right to remove any advisor who does not adhere to the College's policies and procedures.
- The College cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not, or cannot

afford an attorney, the College is not obligated to provide an attorney to advise that party.

- If a party requests that all communication be made through their attorney Advisor instead of to the party, the College will agree to copy both the party and their Advisor on all communications.
- Advisors should help the parties to prepare for each meeting and are expected to advise ethically, with integrity, and in good faith. Advisors may not provide testimony or speak on behalf of the party unless given specific permission to do so.
- The parties are expected to ask and respond to questions on their own behalf throughout the grievance process. Although the Advisor generally may not speak on behalf of the party, the Advisor may consult with the party, either privately as needed, or by conferring or passing notes during any meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

It is the goal of the College to complete investigations in a prompt timeframe. Any timeframes or deadlines may be extended when necessary to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of parties and/or witnesses, account for College breaks or vacations, and the complexity of the investigation or severity and extent of the alleged conduct.

The Title IX Coordinator will notify both parties in writing of any College delays.

If a Complainant or Respondent shall request a delay in the investigation or extension of any timeframes, the party must notify the Title IX Coordinator in writing as soon as practicable stating the requested new timeframe and reason for the delay or extension. The Title IX Coordinator will notify the party in writing of the denial or both parties in writing of the approval within three (3) business days of notification of the request. Any delays or extension will apply equally to both parties.

All requests will be on a case-by-case basis for good cause.

### Written Notice of Allegations

Upon initiation of this Title IX grievance procedure, the Title IX Coordinator will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- (1) The College's Title IX grievance procedures and any informal resolution process;
- (2) Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- (3) Retaliation is prohibited;
- (4) The Respondent is presumed not responsible for the alleged sex discrimination until a determination is made at the conclusion of the grievance procedures.
- (5) The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- (6) If the College becomes aware of any person knowingly making false statements or knowingly submitting false information during these grievance procedures, disciplinary actions may be sought under the College's Code of Conduct or Employee Policy.

If, in the course of an investigation, the College decides to investigate additional allegations of sex discrimination by the Respondent toward the Complainant that are not included in the written notice or that are included in a consolidated complaint, the Title IX Coordinator will provide written notice of the additional allegations to the parties.

### Investigation

The College will provide for adequate, reliable, and impartial investigation of complaints.

The Complainant and Respondent will have an equal opportunity to be heard, identify witnesses, and provide information and evidence. The Investigator will gather additional information and



evidence as appropriate, including, but not limited to, social media information, text messages, email messages, videos, and other records. The Investigator has the discretion to determine the relevance of information and witnesses and decide whether information or evidence should be excluded as irrelevant.

## **L. Administrative Action**

### Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the Investigator will serve as the Decisionmaker and will provide a written report with a recommendation to the Title IX Coordinator on whether sex discrimination occurred.

The Investigator/Decisionmaker will:

- (1) Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. This means that the Investigator/Decisionmaker will decide whether it is more likely than not based upon the available information at the time of the decision, that the Respondent is in violation of the alleged Policy violation(s). The standard of proof requires the Investigator/Decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the Investigator/Decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the Investigator/Decisionmaker will not determine that sex discrimination occurred.
- (2) Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination and any disciplinary sanctions the College will impose on the Respondent, if applicable, and the procedures and permissible bases for the Complainant and Respondent to appeal, if applicable;
- (3) Not impose discipline on a Respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the Respondent engaged in prohibited sex discrimination.
- (4) If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will, as appropriate:

- Coordinate the provision and implementation of remedies to a Complainant and other people the College identifies as having had equal access to the College's education program or activity limited or denied by sex discrimination;
  - Coordinate the imposition of any disciplinary sanctions on a Respondent, including notification to the Complainant of any such disciplinary sanctions; and
  - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the College's education program or activity.
- (5) Comply with the grievance procedures before the imposition of any disciplinary sanctions against a Respondent; and
- (6) Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

### Sanctions

Factors considered by the Investigator/Decisionmaker when determining sanctions and responsive actions may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Any other information deemed relevant by the Decisionmaker

The sanctions will be implemented upon the outcome of any appeal or the expiration of the window to appeal, without an appeal being requested.

### Student Sanctions

The following are the common sanctions that may be imposed upon students singly or in combination:

- Reprimand

- Required Counseling
- Probation
- Suspension
- Expulsion
- Withholding Diploma
- Revocation of Degree
- Reduction of Rank
- Penalty Hours
- Restriction to Campus
- Other Actions: In addition to, or in place of, the above sanctions, the College may assign any other sanctions as deemed appropriate.

#### Employee Sanctions/Responsive/Corrective Actions

Responsive actions for an employee who has engaged in sex-based harassment include:

- Verbal or Written Warning
- Performance Improvement Plan/Management Process
- Enhanced Supervision, Observation, or Review
- Required Counseling
- Required Training or Education
- Probation
- Denial of Pay Increase/Pay Grade
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Transfer
- Shift or schedule adjustments
- Reassignment
- Delay of (or referral for delay of) Tenure Track Progress
- Assignment to New Supervisor
- Restriction of Stipends, Research, and/or Professional Development Resources
- Suspension/Administrative Leave with Pay
- Suspension/Administrative Leave without Pay
- Termination

- Other Actions: In addition to or in place of the above sanctions/responsive actions, the College may assign any other responsive actions as deemed appropriate.

## **M. Appeals**

The College will offer an appeal from a dismissal of a complaint or determination whether sex discrimination occurred on the following bases:

- (1) Procedural irregularity that would change the outcome;
- (2) New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- (3) The Title IX Coordinator, Investigator, Decisionmaker, or Informal Resolution Facilitator had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.
- (4) Sanctions were disproportionate to the policy violation(s).

If either party wishes to appeal a dismissal of complaint or determination whether sex discrimination occurred, the party must submit an appeal in writing to the Title IX Coordinator in writing within five (5) business days of receiving written notification of the hearing determination. The party requesting the appeal should state the basis for the appeal and any supporting documentation.

If a party appeals a dismissal or determination whether sex discrimination, the Title IX Coordinator will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the Appellate Decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the Appellate Decisionmaker for the appeal has been trained consistent with the Title IX regulations;

- Provide the parties a reasonable and equal opportunity to make a statement in support of or challenging the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

The written determination on responsibility and sanctions, if applicable, are postponed until the decision on the appeal is sent to the parties. Supportive measures will remain in place during the appeal period.

The Appellate Decisionmaker will issue a written decision describing the result of the appeal and the rationale for the result which can be one of the following: (1) affirm the determination of the Investigator/Decisionmaker and affirm the disciplinary sanctions and remedies, if applicable (2) affirm the determination of the Investigator/Decisionmaker regarding the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable (3) remand the process back to the Investigator/Decisionmaker to remedy any procedural irregularity or consider any new evidence (4) reverse the Investigator/Decisionmaker's determination of the Respondent's responsibility and amend the disciplinary sanctions and remedies, if applicable or (5) affirm or amend the sanctions and/or remedies outlined in the determination.

The Appellate Decisionmaker will notify both parties in writing of their decision within fourteen (14) business days of receipt of the appeal.

The determination regarding responsibility becomes final on the date that the College provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

At the conclusion of the appeals process, employee Respondents will receive all rights, if applicable and if any, which are granted by either their contract or the Alabama Students First Act in the event any disciplinary sanction is proposed.

## **N. Informal Resolution**

In lieu of resolving a complaint through the College's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. Informal resolution does not involve an investigation, adjudication hearing, or disciplinary action against a Respondent and is not appropriate for all forms of conduct under these Procedures. Both parties must voluntarily agree in writing to participate in the informal resolution process.

The Title IX Coordinator will inform the parties in writing of the informal resolution process it offers. The College will not offer informal resolution to resolve a complaint when such a process

would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, the Title IX Coordinator will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the College will maintain and whether and how the College could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Informal resolution will be facilitated by Informal Resolution Facilitators. The time frame for completion of informal resolution may vary, but the College will seek to complete the process within a prompt timeframe.

The College retains the discretion to determine which cases are appropriate for informal resolution. The College may gather information necessary through interviewing individuals and other evidence gathering to determine if the case is appropriate for informal resolution. Factors the College will consider when determining whether a report of Prohibited Conduct is suitable for informal resolution include, but are not limited to, the following:

- The nature of the alleged offense;
- The dynamics of power or control commonly associated with the alleged offense and/or with the parties involved;
- The Respondent's prior known conduct;
- Whether there would be a continuing safety threat to the campus community after resolution of the specific report of Prohibited Conduct;
- Whether multiple parties are involved;
- Whether the resolution proposed is designed to eliminate, prevent, and address the reported Prohibited Conduct; and
- Any other factor deemed relevant by the Title IX Coordinator in the interest of overall campus safety or safety of the parties involved.

Informal resolution may result in the following remedies: establishing supportive measures; conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; the Respondent is willing to accept responsibility for violating Policy and is willing to agree to actions that will be enforced similarly to sanctions; and any other remedy that can be tailored to the involved individuals to achieve the goals of these Procedures.

Informal resolution may also include restorative principles that are designed to allow a Respondent to accept responsibility for misconduct and acknowledge harm to the Complainant or to the College community. Informal resolution may also include mediation.

Participation in informal resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation at any time, including if informal resolution is unsuccessful at resolving the report. Similarly, a Complainant may request to end an investigation and pursue informal resolution at any time if the Respondent also consents to informal resolution. In addition, either party may request supportive measures regardless of whether any particular course of action is sought.

The College may also decide to proceed with a formal investigation and withdraw its approval for the informal resolution at any time during the process. If additional potential policy violations are revealed during the informal resolution process, the College may withdraw its approval for the process and proceed with a formal investigation or the College, with the consent of the parties, may continue the informal resolution process and resolve the additional potential policy violations.

Information disclosed by any party during the informal resolution process will not be considered during a subsequent investigation or adjudication hearing.

Because the outcome of informal resolution process is mutually developed and agreed upon by the parties, an appeal of the process and its result is not permitted.

## **O. Confidentiality and Privacy**

The College will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members,

confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

#### **P. Retaliation**

Neither the College nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or these Procedures or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this Procedure.

Alleged acts of Retaliation will be referred to the Title IX Coordinator to be investigated and resolved under the respective Code of Conduct or Employee Policy.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this Procedure.

Charging an individual with a Code of Conduct/Employee Policy violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute Retaliation prohibited this Procedure.

#### **Q. Freedom of Speech and Academic Freedom**

Freedom of speech and principles of academic freedom are central to the mission of the College. Constitutionally protected expression cannot be considered sex discrimination under these Procedures. To establish a violation of Title IX, the harassment must be subjectively and objectively offensive and so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the College's education program or activity.

#### **R. Records Retention**

The College will maintain all of the documentation related to reports of sex discrimination, the grievance process, and information resolution process for seven years in accordance with state and federal records laws and requirements. The documentation of all records is private and confidential to the extent possible under law. Student records of the grievance process are disciplinary records under Family Education Rights and Privacy Act (FERPA). Employee



records of the grievance process are subject to the Freedom of Information Act (FOIA) and applicable state laws and included in the employee's official employment record.

**Reference: Alabama Community College System Board of Trustees 800.02: Sex Discrimination Complaints**

**4:24 POLITICAL ACTIVITY**

Marion Military Institute personnel are encouraged to participate actively and freely as citizens in their community. However, no employee may use his or her position or scheduled work hours for political purposes, nor shall the employee use any college property, equipment, or facilities for any political activity. Prior to seeking election or appointment to a political office, the employee must give notice to the appropriate administrator and to the President.

**POLICY 4.25: COPYRIGHT POLICY**

Marion Military Institute is committed to fostering an environment that provides for the fair use of copyrighted works to achieve these goals while remaining in compliance with applicable laws. MMI users of copyrighted works are afforded the rights and privileges pursuant to 17 U.S.C. §§107 (Fair Use), 108 (Reproduction by Libraries and Archives), 109 (First Sale Doctrine and Transfers), 110 (Teaching Exception) and other statutory exemptions and limitations to the exclusive rights granted to the owner of a copyright protected work. While MMI does not intend to unduly restrict the use of works otherwise permitted under law, it is the policy of Marion Military Institute to comply with federal copyright law and all related law codified at 17 U.S.C. §101 et seq. All faculty, staff, and students must adhere to MMI copyright policy and are expected to seek consultation and advice from the Baer Memorial Library Staff when using the copyrighted works of others. It is the policy of MMI to inform and educate faculty, students, and staff regarding federal copyright law, the rights of copyright owners, the legal obligation of MMI to comply with applicable law, and the rights of the MMI community to use copyrighted works. The actual text of the law can be found at <http://www.copyright.gov/title17/>.

**POLICY 4.26: OUTSIDE EMPLOYMENT**

In compliance with Alabama Community College System Board of Trustees 615.01 and Accompanying Guidelines, Marion Military Institute requires annual notification and approval of any employee's outside employment. An employee should not engage in, without approval of the College President, any outside employment, which would, (1) disrupt or interfere with

operations of the College, (2) directly compete with the College, (3) impose additional financial burden upon the College, (4) violate the Alabama Code of Ethics for public employees (as set forth in the CODE OF ALABAMA), or (5) be of a nature, character, or subject matter such that the outside employment, when considered in the light of the employee's position and duties with the College, would tend to decrease the effectiveness of an employee in performing his/her employment duties.

An employee who is considering outside employment must complete the "Request for Approval of Outside Employment" form (Appendix C) and submit the completed form for review and approval by the President via his/her immediate supervisor and appropriate senior staff member prior to beginning secondary (outside) employment. It is the responsibility of the employee to notify the College by submitting a revised "Request for Approval of Outside Employment" form if the status of a previously approved secondary employment changes. If no change occurs with the previously approved secondary employment, the employee is required to annually re-submit the form for review and approval.

**Reference: Alabama Community College System Board of Trustees 615.01: Conflict of Interest**

#### **POLICY 4.27: EVALUATION PROCEDURES**

All college personnel are to be evaluated annually. Faculty evaluation procedures include student assessment, self-assessment, and assessment by the Department Chairperson or the Chief Instructional Officer. Administrative and support personnel shall be evaluated each year by their immediate supervisors. The immediate supervisor for all supervisors who evaluate will also review and sign the evaluation documents. Executive and Senior Staff are evaluated by the MMI President.

It is expected that the supervisor will prepare the evaluation and conduct a formal evaluation review with the personnel being evaluated. Where appropriate, the supervisor and the employee will develop a plan to improve any areas that are not satisfactory. The plan will be recorded on the evaluation document. Progress on the plan may be reviewed with the employee throughout the year, but progress will certainly be noted on the next annual evaluation.

All employees will be asked to sign their evaluation document, indicating that the evaluation has taken place.

The Chancellor shall evaluate the performance of any President under the authority and direction of the Board of Trustees at least once every three years.

The Chancellor has the authority to create, implement, modify, or revise instruments, formats, methods, and procedures for evaluations as the Chancellor sees fit.

The evaluation will be maintained in the President's personnel file at the System Office and will be available to the Board of Trustees upon request.

#### **POLICY 4.28: RESIGNATIONS**

So that the business of the College may continue and service to cadets is uninterrupted, all faculty and staff shall provide written notice of resignation at least fourteen (14) calendar days prior to the effective date of resignation, except as approved by the President. Failure to do so may result in documentation being placed in the employee's personnel file about the failure to follow policy and may affect your ability to be rehired by MMI.

**Reference: Alabama Community College System Policy 617.01 Resignations**

#### **POLICY 4.29: EMPLOYEE CONDUCT CODE**

In the interest of creating and maintaining an educational environment in which teaching and learning are optimized and in which each employee maximizes his/her effectiveness, Marion Military Institute has outlined the following conduct code. This code, which is applicable to all employees, lists behaviors that are prohibited. Violations of the code may result in reprimand, suspension, and/or dismissal. The conduct code is subject to all provisions of the Alabama Community College System Board of Trustees Policies.

As specified in applicable ACCS Board of Trustees Policy, the following activities are prohibited. The relevant Board of Trustees is listed beside of each activity.

- a. Sexual harassment (Board of Trustees 620.03)
- b. Use of tobacco products on campus (Board of Trustees 514.01)
- c. Possession of firearms, dangerous chemicals, or other dangerous weapons on campus or at college functions (Board of Trustees 511.01)
- d. Absence from work without approved leave (Board of Trustees 618.01)
- e. Disclosure of confidential information (Board of Trustees 616.01 and 808.01)

- f. Failure to report for duty at the beginning of a semester (Board of Trustees 618.01)
- g. Pursuit of individual interest resulting in a conflict with the interest of the College (Board of Trustees 615.01)
- h. Discrimination based on race, color, national origin, religion, age, disability, marital status, or gender (Board of Trustees 601.01, 601.02, and 601.04)
- i. Use of official position and influence to further personal gain or that of a family member or personal associate (Board of Trustees 615.01)

Additionally, the forms of conduct listed below are prohibited.

- a. Theft
- b. Tardiness
- c. Disruptive conduct
- d. Sleeping on the job
- e. Abuse of equipment or facilities
- f. Violation of published safety regulations
- g. Use of abusive or threatening communications
- h. Unauthorized use of equipment, facilities, or other resources
- i. Physical or verbal abuse of persons within the College community
- j. Possession or use of alcohol except as approved by the President or his designee for specified social activities or events
- k. Possession or use of controlled substances on campus
- l. Any form of fraud, dishonesty, or falsification of student records, employment applications, or records maintained in performance of job duties
- m. Inappropriate contributions to blogs, message boards, and/or social networking or content-sharing sites
- n. Posting of any personal notices through attachment to campus property or through college email

#### **POLICY 4.30: PROFESSIONAL ATTIRE**

Marion Military Institute employees serve as role models for the students with whom they work and as leaders in the community. All employees, therefore, should dress in a manner and have an appearance that is appropriate and professional. Members of the MMI faculty and staff who wear civilian attire rather than a uniform are expected to dress in a manner appropriate for their job function and working environment, and in a manner that reflects respect for the professional formality inherent in the uniforms cadets are required to wear every day.

In this regard, and in line with the military environment of MMI and high standards of professionalism this environment implies, faculty and staff dress code for male and female faculty and staff members should follow the principles of professionalism and conservatism. This is especially the case in the classroom and for occasions in the Chapel, when blazers and ties are suggested for the men. A neat, sharp, professional appearance is the goal for all members of MMI's faculty and staff, each of whom is expected to serve as an example to the Corps of Cadets and the community of MMI's high standards of professional conduct.

Staff and faculty who retired from or are former members of the US Armed Forces, or who are currently serving in the National Guard or a Reserve component of a military service may wear their military uniform so long as they meet their service's requirements for uniform wear. Uniform wear may be specifically prescribed for current, and retired or former military personnel assigned to the Office of the Commandant and the Office of Enrollment Management as recommended by the respective Department supervisor and approved by the MMI President so long as no service prohibition applies.

Any questions regarding appropriate dress should be directed to the employee's immediate supervisor.

#### **POLICY 4.31: PHONES AND ELECTRONIC DEVICES**

Classrooms, labs, libraries, and other work areas are inappropriate sites for personal telephone or electronic communication device use. Personal use of phones, pagers, and electronic devices should be kept to a minimum and should not interrupt the normal operation of the College. For purposes of this policy, the term "cell phone" is defined as any handheld electronic device with the ability to receive and/or transmit voice, text, or data messages without cable connection including, but not limited to, cellular telephones, digital wireless phones, radio-phones/walkie-talkies, telephone pagers, PDAs (personal digital assistants with wireless communications capabilities), and/or RIM ("research in motion") wireless devices.

Excessive personal calls or texts during the workday interferes with employee productivity and is distracting to others. Personal calls should be kept to a minimum and should not interrupt normal operations of the College. These calls should be made and received during non-work time whenever possible, and employees should ensure that their friends and family members are instructed of this policy.

If an employee chooses to bring a personal cell phone on campus, the College is not liable should it be lost, stolen, or damaged.

#### **POLICY 4.32: FIELD TRIPS**

Faculty or staff planning a field trip must request approval from his or her immediate supervisor. If possible, this request must be submitted to the Chief Instructional Officer and Commandant at the beginning of the semester during which the field trip is planned. A faculty member or group sponsor employed by the College must accompany the students.

#### **POLICY 4.33: APPOINTMENT OF LOCAL ADMINISTRATIVE STAFF**

1. The President appoints all faculty and staff at the local level.
2. The President is directed to obtain prior approval from the Chancellor for all dean-level administrators or vice-presidents whom the President intends to appoint at the institution and provide the Chancellor with the name and the curriculum vitae of all dean-level administrators or vice-presidents whom the President intends to appoint at the institution.
3. Effective July 1, 2024, any Vice-President newly hired, reorganized, or transferred to that position at any ACCS college shall enter into an employment contract with the President in the form prescribed by the Chancellor's Office. Vice-Presidents cannot achieve or maintain non-probationary/tenure status under the Students First Act. Their employment will be governed solely by the terms of the contract.
4. Effective July 1, 2024, any executive and administrative management personnel including but not limited to a Dean, Assistant or Associate Dean, Executive Director, Director, Deputy, or Chief hired by an ACCS college on or after July 1, 2024 (including by reorganizations or transfers) shall be employed on a contract basis in the form prescribed by the Chancellor in the accompanying procedures. Their employment will be governed solely by the terms of the contract.

Effective July 1, 2024, executive and administrative management personnel are defined as persons employed onto Salary Schedule B or C and who are employed into positions titled as a Deputy, Chief, Dean, Assistant or Associate Dean, Executive Director or Director. (This definition does not apply to persons who are on Salary Schedules D, E, or H. As an example, a

Salary Schedule D instructor who has administrative duties for accreditation purposes and is called a program director is not covered under this rule.)

Effective July 1, 2024, any person who is being employed into an executive and administrative management personnel position (whether a new hire or whether a current employee who is being transferred, reorganized, or otherwise moved into an executive and administrative management personnel position) shall enter into an employment contract with the President, which terms shall conform to the contract template provided by the Chancellor's Office.

The College shall not require any individual to sign a contract of employment: it must be an individual's choice. If any individual who is requested to sign elects not to sign the College's standard contract of employment (below), then the College shall not be permitted to hire, reorganize, transfer or otherwise move the individual into an executive and administrative management personnel position (including but not limited to positions of a Deputy, Chief, Dean, Assistant or Associate Dean, Executive Director or Director at the College) on or after July 1, 2024.

Employees who were hired before July 1, 2024, in an executive and administrative management personnel position are exempted from entering into an employment contract, unless they move by hire, transfer, or reorganization to another executive and administrative management personnel position on or after July 1, 2024.

**Reference: Alabama Community College System Policy 204.01: Appointment of Local Administrative Staff**

# **SECTION 5**

## **EMPLOYEE BENEFITS**



## **POLICY 5.1: TEACHER RETIREMENT SYSTEM**

Under 1975 Legislative Act No. 1108, The Full-Time Public Education Act, all permanent full-time employees of any public institution of learning in the State shall become members of the Teacher Retirement System as a condition of employment. The employee's contribution of his or her earnings is refundable upon termination. Information on the Teacher Retirement System is available at [www.rsa-al.gov/TRS.trs.html](http://www.rsa-al.gov/TRS.trs.html). Permanent part-time employees who work 20-39 hours per week are also eligible to participate in the Teacher Retirement System.

## **POLICY 5.2: INSURANCE**

Full-time employees and permanent part-time non-instructional employees working twenty (20) or more hours per week are entitled to a State allocation, the amount to be legislated annually. Permanent part-time instructional employees are also eligible for a pro rata allocation. An employee receives the insurance allocation for each month as long as that employee is in pay status at least one-half of the working days of the month. The allocation goes toward the basic hospital/medical plan offered by the Public Education Employee's Health Insurance Plan (PEEHIP) or the optional plans (vision, dental, etc.) offered by PEEHIP.

## **POLICY 5.3: LEAVES WITH PAY**

### **1. General Rules**

- 1.1 The immediate supervisors are responsible for assuring that leave approvals in their areas of responsibility are reported timely and accurately.
- 1.2 All employees engaged in outside employment or other activities during their normal work hours must use accrued compensatory time or request personal, annual, or unpaid leave.
- 1.3 Any accrued leave, excluding compensatory time, must be used concurrently with FMLA leave. All accrued leave, excluding compensatory time, must be exhausted before an employee is entitled to unpaid FMLA leave.
- 1.4 A leave year for earning, accrual, and use of leave by employees is September 1 through August 31.

1.5 In the event of an emergency where the employee is unable to complete the college's standard procedures for requesting leave, the employee must immediately contact the immediate supervisor or the appropriate supervisory chain of command to request that his/her leave be used. During periods of incapacitation, a designee, to include an immediate family member or a person having unusually strong personal ties to the employee, may request leave on the employee's behalf.

## 2. Annual Leave

Earned annual leave may be taken at appropriate times as approved in advance by the appropriate supervisory chain of command. Annual leave shall be requested and approved prior to its occurrence. Annual leave may be denied if it is not timely requested or hampers the routine operations of the college.

Employees eligible to accrue annual leave are those compensated from Salary Schedules A, B, C, E, and H (prorated). Employees compensated from Salary Schedule H shall receive annual leave under the same terms and conditions as other eligible employees, except a "day" of annual leave shall be as follows: four (4) hours for employees compensated from Schedule H-20, five (5) hours for employees compensated from Schedule H-25, six (6) hours for employees compensated from Schedule H-30, and seven (7) hours for employees compensated from Schedule H-35.

2.1. The official table for determining annual leave accrual is as follows:

Years of Experience	Annual Leave Earned
0-4	1.00 day per month, equivalent to 8 hours
5-9	1.25 days per month, equivalent to 10 hours
10-14	1.50 days per month, equivalent to 12 hours
15-19	1.75 days per month, equivalent to 14 hours
20-above	2.00 days per month, equivalent to 16 hours

A "year of service" shall be a completed year of service at the current employing entity, not based on experience or service at other employers.

2.2. All new hires at MMI will begin accrual of annual leave under this policy at 0 years of service, with one exception: The President, upon request of a new employee

within the first 90 days of employment, may award additional years of service for annual leave accrual purposes to an employee who has been hired directly from one ACCS college or the ACCS system office to an ACCS college with no time lapse between dates of employment. The years of service awarded by the President under this exception cannot be more than the number of years that the employee was employed at the ACCS system office or prior ACCS institution. This policy is not applicable to employee hires from any other location or entity. The President is not required to award any additional years of service under this policy.

- 2.3. In order to move to the next year of service for annual leave accrual purposes, an employee must have worked at least nine months of the leave accrual year. As an example, if a new employee is hired on January 2, then that employee will not have worked 9 months by September 1 of the same year (when the annual leave rate changes occur) and will be required to wait until the following year to move to the next year of service).
- 2.4. Employees must be in paid status for a minimum of one-half of the work days in the month of employment to accrue a day of annual leave (except those under FMLA leave).
- 2.5. A maximum of 60 days of annual leave may be accrued and carried forward into each September. Earned annual leave may be taken at appropriate times as approved in advance by the President or designee. Annual leave may exceed 60 days during a year; however, annual leave exceeding 60 days earned but not taken by September 1 is forfeited.
- 2.6. Except as stated herein, any employee who leaves employment of MMI will be paid for the actual number of annual leave days earned and not used up to a maximum of sixty (60) days. Payment of annual leave will be based on the employee's salary in effect at the time of separation. The one-day separation of a current employee transitioning to a contracted position shall not result in an annual leave payout or loss of accrual rate.
- 2.7. If an employee who is eligible to accrue annual leave assumes a regular (non-temporary) assignment on the D or local salary schedules where annual leave is not earned or accrued, payment for the unused portion of the accrued annual leave will

be made at the conclusion of the eligible assignment and will be based on the eligible salary schedule upon request of the employee.

2.8. Annual leave is not provided for Salary Schedule D or L personnel.

### 3. Court Attendance

Full-time employees and Salary Schedule H employees of System colleges who are required by a court to attend such court in the capacity of jurors or witnesses under subpoena will be granted special leave with pay to attend such court.

Any employee who is required by court order, valid subpoena, or by legal counsel representing ACCS or any of its entities, to appear in their capacity as an employee will be expected to attend as part of their normal work duties. Documentation will be required to be presented. This section does not apply to employees who are engaged in suit or charges against ACCS or any of its entities to include hearings, trials, depositions, meetings with lawyers, mediations, EEOC hearings, ethics commission interviews, meetings, or hearings, etc., as such is deemed a personal matter for which appropriate accrued leave must be taken.

Any employee expected to attend court for personal matters or matters unrelated to their employment within ACCS (except jury duty) will not receive paid leave and must request and utilize other forms of accrued leave if applicable. If the employee does not have leave, leave without pay must be requested and approved prior to occurrence.

Any employee receiving leave under this court attendance policy who has been released is required to return to work immediately once the event has concluded.

### 4. Military Leave

All full-time and Schedule H employees (as prorated) who are active members of military services, including the National Guard and Reserve forces, are eligible for paid military leave of up to 168 hours per calendar year. A copy of the orders must be presented to the Office of Human Resources prior to taking military leave. During the period of paid military leave, the respective employee shall continue to accrue all employment benefits, including sick and annual or personal leave, as well as paid medical insurance benefits. Once available paid military leave is exhausted, the employee may take available annual or personal leave and continue to receive all employment benefits. Once the employee has exhausted all available

paid leave, the employee may be considered on military leave of absence without pay. Employees on unpaid leave of absence under this section do not accrue benefits but may choose to continue health insurance coverage by paying the designated premiums.

## 5. Personal Leave

### 5.1. Personnel Employed on Salary Schedules A, B, C, E, and H

Up to two (2) days of personal leave with pay will be granted to each full-time employee on the above salary schedules during any leave year. Up to two days per year of personal leave is extended to all support personnel on Salary Schedule H as above, with a "day" defined as four (4) hours for persons paid from Salary Schedule H-20, five (5) hours for persons paid from Salary Schedule H-25, six (6) hours for persons paid from Salary Schedule H-30, and seven (7) hours for persons paid from Salary Schedule H-35. Personal leave is noncumulative. A reason for personal leave is not required. However, personal leave with pay shall be requested prior to its occurrence. Personal leave may be denied if it is not timely requested or hampers the routine operations of the college. Personal leave will not be paid on resignation or termination of employment.

### 5.2. Personnel Employed on Salary Schedule D

Up to five (5) days of personal leave with pay will be granted to each full-time employee on the first day of each academic year. Personal leave is noncumulative. A reason for personal leave is not required. However, personal leave with pay shall be requested prior to its occurrence. Personal leave may be denied if it is not timely requested or hampers the routine operations of the college. Personal leave will not be paid on resignation or termination of employment.

### 5.3. Unused Personal Leave

Personal leave not taken will be converted at the end of the leave year to sick leave. Election by the employee otherwise requires timely written notice by the employee to the College.

### 5.4. Employees who are not employed at the beginning of the leave year will accrue personal leave on a prorated basis based on their starting date.

## 6. Professional Development Leave

- 6.1 Professional Development leave with pay may be granted to any full-time employee when approved by the President based on the availability of funds, the absence will not hamper the normal routine operations of the college, and the event is directly tied to the employee's current or anticipated job duties.
- 6.2 A maximum of ten workdays per leave year may be approved locally, but more than 10 days shall only be granted upon written approval of the Chancellor.
- 6.3 Professional Development leave is typically a direct personal benefit to the employee. Examples include but are not limited to leadership programs, training and workshops, local, state, and national board positions or assignments, accreditation activities unrelated MMI.
- 6.4 If an employee who was granted professional development leave separates from the college within one year of the professional development event, the employee is required to reimburse the college for any funds expended on behalf of the employee. MMI may deduct these amounts from an employee's paycheck. The President may elect not to require reimbursement due to special circumstances, such as separation due to medical reasons or layoffs.
- 6.5 Approved activities sponsored by MMI are part of the employee's regularly assigned duties and are not a type of leave.

## 7. Sick Leave

- 7.1 Accumulation of sick leave will be governed by Section 16-1-18.1, Code of Alabama of 1975, as amended. An employee may accumulate an unlimited amount of sick leave days in accordance with Ala. Code 16-1-18.1.
- 7.2 Sick Leave Definition. Sick leave is defined as the absence from regular duty by an employee for one of the following reasons: personal illness, pregnancy, maternity leave, or doctor's quarantine; medical examinations and appointments; personal injury which incapacitates the employee; to provide care for an ill member of the immediate family (husband, wife, father, mother, son, daughter, brother, sister) of the employee

or for an individual with a close personal tie to the employee; death of a member of the family of the employee (husband, wife, father, mother, son, daughter, brother, sister, father-in-law, nephew, niece, granddaughter, grandson, grandfather, grandmother, aunt, uncle); or illness, injury, or death of an individual not legally related to but having unusually strong personal ties with the employee. For purposes of application of this policy, an individual with a close or unusually strong personal ties exist due to an employee's having been supported or educated by a person; father-in-law; mother-in-law; son-in-law; daughter-in-law; brother-in-law; sister-in-law; nephew; niece; granddaughter; grandson; grandfather; grandmother; aunt; uncle.

- 7.3. Each full-time employee employed on Salary Schedules A, B, C, and E, shall earn one day of sick leave which is equivalent of 8 hours per month of employment. They will be required to request 40 hours of sick leave for absences totaling an entire work week. The maximum accumulated sick leave is authorized pursuant to Section 16-1-18.1, *Code of Alabama* of 1975, as amended.
- 7.4. Each full-time employee employed on Salary Schedule H shall earn one day of sick leave per month of employment with a "day" defined as 4 hours of person on H-20, 5 hours for persons on H-25, 6 hours for persons on H-30, and 7 hours for persons on H-35. Employees on H will be required to request the amount of sick leave equal to the normal amount of hours worked each week for absences totaling an entire work week.
- 7.5. Each full-time employee employed on Salary Schedule D shall earn one day of sick leave which is equivalent to 7 hours per month of employment to a maximum of nine days or 63 hours during the academic year (fall and spring semesters) and up to a maximum of three days or 21 hours during the summer term. For any full-time Schedule D employee working less than full-time (35 hours per week) during any semester or term, sick leave earned will be pro-rated. See ACCS Fiscal Procedure Manual. Employees on D will be required to request 35 hours of sick leave for absences totaling an entire work week.
- 7.6. Any unused balance of sick leave accumulated at the end of the leave year will be carried forward to the next succeeding year.
- 7.7. Employees must be in paid status for one-half of the work days in the month of employment to accrue a day of sick leave (except those on FMLA leave).

- 7.8. Sick leave may be utilized during the employment period. However, sick leave may not be utilized to extend the employment period.
- 7.9. The employee's immediate supervisor may request that an employee provide a medical certification by a licensed healthcare provider at the expense of the employee. After three (3) consecutive absences due to illness or after five (5) occurrences due to illness, within a thirty (30) calendar-day period, the President or designee may require that an employee furnish a medical certificate by a licensed healthcare provider. This is to be done at the expense of the employee. When medical certifications are required, requests for sick leave may be denied if the medical certification is not provided.
- 7.10. Sick leave will not be paid upon separation of employment.
- 7.11. For purpose of applying accrued sick leave as credit for retirement purposes, an employee is limited to the amount allowed by law and the Teachers Retirement System.
- 7.12. Transfer of Sick Leave: Sick leave earned while employed by an Alabama Public School System, higher education institutions in Alabama, or the Alabama Community College System may be transferred to MMI in accordance with Alabama Code Section 16-1-18.1.

Earned sick leave days which have been accrued by an employee are transferrable between the following: all public city and county school systems; the Board of Trustees of the Alabama Institute for the Deaf and Blind; the Alabama Youth Services Department District in its capacity as the Board of Education for the Youth Services Department District; The Board of Directors of the Alabama School of Fine Arts; the Board of Trustees of the Alabama High School of Mathematics and Science; the Alabama State Senate; the Lieutenant Governor, the Office of the Senate Pro Tempore; The Speaker of the House of Representatives; the Alabama House of Representatives; the Legislative Reference Service; any organization participating in the Teachers' Retirement System (excluding state governmental departments not expressly listed); The Board of Trustees for ACCS; and all public four-year institutions of higher education.

The President may permit sick leave transfers from other Alabama State government departments not listed above who participate in the Retirement System of Alabama at his



discretion, however the factors taken into consideration in exercising such discretion must be consistently applied.

## 8. Sick Leave Bank

- 8.1 The President shall establish, upon the request of 10 percent of full-time employees, a sick leave bank plan.
- 8.2 Any sick leave bank shall be operated, managed, and governed by a Sick Leave Bank Committee pursuant to Alabama Code Section 16-22-9 and any accompanying procedures in place by the President.
- 8.3 The purpose of the Sick Leave Bank shall be to provide a loan of sick leave days for its participating members or catastrophic leave after a member's accrued and compensatory leave has been exhausted, if warranted as determined by the Sick Leave Bank Committee.
- 8.4 The Sick Leave Bank Committee will be comprised of five persons, one will be the President or President's designee, and four employees will represent the participating members.

### A. Election of Sick Leave Bank Committee

- 1. The President shall be responsible for conducting elections in a fair and equitable manner, ensuring the confidentiality of the secret balloting process. See Ala. Code 16-22-9(c).
- 2. At the beginning of each scholastic year, an election shall be held among the sick leave bank members to determine by secret ballot the four members who are to serve on the sick leave bank committee. Those four members receiving the most votes shall serve on the Sick Leave Bank Committee.
- 3. The term of office for these four Committee members shall be one year. No representative on the Committee shall serve longer than five (5) consecutive years. If a vacancy occurs during the one-year term which needs to be filled, the remaining Committee members (inclusive of the President) shall vote on a

person to fill the vacancy and whoever receives the most votes may fill the seat.

4. The President or President's designee shall be appointed as the Chair of the Committee and shall appoint one of the other Committee members to take minutes of meeting and all Committee action.
5. In the event of any election tie, the President or his designee has the authority to break the tie.
6. Committee meetings may be schedule as determined by the Committee, or as set by the President, or by the written request of three consenting Committee members to the President.

#### B. Duties of the Committee

1. The Committee shall establish procedures providing for the uniform administration of the sick leave bank.
2. The Committee shall develop guidelines for the operation of the sick leave bank. The guidelines shall be approved by a secret ballot vote of the participating members of the sick leave bank.
3. The Committee shall develop all necessary forms for the orderly operation and administration of the sick leave bank.
4. The Committee shall maintain copies of its guidelines, administrative procedures, and forms and immediately provide those upon adoption to the President's Office.
5. The Committee shall ensure that accurate records of contributors eligible to participate in the bank are maintained and shall work with college to maintain records of all member contributions to the sick leave bank, withdrawals from the bank, and the status of the bank.
6. The Committee shall review all applications for loans from the sick leave bank and make appropriate decisions on request for approval of such loans. The Committee has the discretion to deny an application for a loan or approve

less days than requested. Factors to be considered include, but are not limited to: need, circumstances of the illness or disability, years of service to the college, availability of days in the bank, the ability of the applicant to repay the loan, and prior awards obtained from the sick leave bank.

#### C. Guidelines of the Committee

1. The sick leave bank plan allows members to deposit an equal number of days (not to exceed three) of earned sick leave into the sick leave bank. The days deposited shall be available to be loaned to any participating member whose leave has been exhausted and who has been granted a loan by the Committee.
2. No member employee is allowed to borrow or obtain catastrophic leave from the sick leave bank unless all accrued and compensatory leave time has been exhausted.
3. A member of the sick leave bank shall not be allowed to accumulate more days than allowed in Alabama Code 16-1-18.1, including days in the sick leave bank. Ala. Code 16-22-9 (g)(4).
4. Employee membership in the sick leave bank shall be voluntary.
5. Any alleged abuse of the bank shall be investigated by the Committee (or its designee). On a finding of wrongdoing, the abusing member shall repay all of the sick leave credits drawn from the sick leave bank and be subject to appropriate disciplinary action as determined by the college.
6. Upon retirement or transfer of a member, days on deposit with the sick leave bank shall be withdrawn and transferred with the employee or made accessible for retirement credit, as allowable. Ala. Code 16-22-9 (g)(7).
7. At the beginning of each leave year or upon employment of a new employee, the appropriate number of sick leave days shall, upon application of the employee, be credited to the employee's account, in order to enable the employee to join the sick leave bank if the employee does not have the minimum number of sick leave days to enable the employee to join the sick leave bank.

8. Open Enrollment will be from September 1 through September 30 of each year for non-participating members. Employees who did not join the sick leave bank will have an option to join upon deposit of the prerequisite number of sick leave days during the open enrollment period established by the Committee.
9. Additional guidelines may be adopted by the Committee as deemed appropriated provided they are uniformly applied to all employees and do not conflict with these guidelines and procedures

#### D. Sick Leave Bank Loan Procedures

1. An employee must apply for sick leave bank loan in the form required by the Committee and is subject to all applicable procedures and guidelines adopted by MMI and the Committee. In cases where the member has been incapacitated, a member's agent or representative designated as such in writing, may apply to the Committee on behalf of the member. In case of mental incapacity of a member, the designated agent or representative must be a person who, by law, may serve in such capacity.
2. In order to apply for a sick leave bank loan: (a) an employee must be a member of the sick leave bank and (b) an employee must have exhausted all accrued and compensatory leave available.
3. The Committee determines whether a loan request will be approved or denied and, if approved, for how many days up to a maximum of thirteen (13) days (or up to twenty (20) days upon a majority vote of the membership) per event. Factors to be considered in making these decisions include, but are not limited to: need, circumstances of the illness or disability, years of service to the college, availability of days donated, ability to repay the loan, and prior awarded loans.
4. Sick leave days borrowed from the sick leave bank shall be repaid to the sick leave bank monthly as re-earned by the member.

5. Upon the separation of an employee who has an outstanding loan of sick leave days, the value of the loan shall be deducted from the final paycheck at the employee's prevailing rate of pay. If portions of the loan remain outstanding after separation, the employee is responsible for paying the remaining value to the college.

#### E. Catastrophic Leave Procedures

1. A catastrophic event is defined as any illness, injury, or pregnancy or medical condition related to childbirth certified by a licensed physician which causes the employee to be absent from work for an extended period of time.
2. Beginning January 1, 2019, no employee may be awarded more than forty-five (45) work days of catastrophic leave during any five-year period of employment.
3. An employee must apply for catastrophic leave in the form required by the Committee and is subject to all applicable procedures and guidelines adopted by MMI and the Committee. In order to apply for Catastrophic Leave: (a) an employee must be a member of the sick leave bank at the time the catastrophic event occurs in order to be considered for catastrophic leave; (b) an employee must have exhausted all accrued and compensatory leave available, (c) the employee must provide certified evidence by a licensed physician of an illness (defined as an unhealthy condition of the body or the mind, a sickness, or disease), or of an injury (defined as physical harm to a person), or of a medical condition related to childbirth that causes the employee to be absent from work for a period greater than fifteen (15) work days, and (d) the employee must have applied, borrowed, and used the maximum number of sick leave days loaned by the Committee.
4. The Committee determines whether a request for catastrophic leave will be approved or denied and, if approved, for how many days up to the maximum. Factors to be considered in making these decisions include, but are not limited to: need, circumstances of the illness or disability, years of service at MMI, availability of days donated, whether it is a personal event to the employee, and prior awards of loans or catastrophic leave.

5. Employees, at their discretion, may donate a specific number of days to the sick leave bank, up to a maximum of 30 days for any one employee, to be designated for a specific employee for use against a catastrophic event. Alabama Code 16-22-9(h).
6. Employees must be a member of the sick leave bank to donate or receive catastrophic leave.
7. A donating employee shall not be required to donate a minimum number of catastrophic days to the sick leave bank.
8. The recipient employee may use catastrophic sick leave days for himself or herself or for other covered persons as provided in Code of Alabama 16-1-18.1. Alabama Code 16-22-9(h).
9. Catastrophic days awarded are not required to be repaid. Alabama Code 16-22-9(h).
10. Donated catastrophic leave days may be used to repay days loaned by the sick leave bank to the credit of the affected member. Alabama Code 16-22-9(g)(8).
11. Employees who donate sick leave days to the sick leave bank for a particular employee's catastrophic event are not to be returned to the donor unless the days are not used. Alabama Code 16-22-9(h).
12. If a catastrophic leave is approved by the Committee, the Committee shall notify members of the applying employee's request and approval for catastrophic leave one time. The Committee has no further obligation to continue requesting donations on the applying employee's behalf. The Committee may but is not required, no more than once per month, to communicate by email to the members to advise that the employee is approved for catastrophic leave and could use further donations.

13. There is no guarantee that, if catastrophic leave requests are approved by the Committee, the sick leave bank members will donate any leave or sufficient leave to cover an employee's absence related to a catastrophic event.

14. Catastrophic leave is not available for on-the-job injuries.

## 9. Transfer of Sick Leave

Sick leave earned while employed by a local Alabama public school system, higher education public institutions in Alabama, or the Alabama Community College Systems may be transferred into a two-year college upon employment. The transfer of sick leave is limited to the number of days authorized by statute for two-year postsecondary education institutions.

## 10. Institutional Support Leave

10.1. Institutional support leave with pay may be approved by the President for any full-time employee based on the availability of funds and if the absence will not hamper the normal routine operations of the college. Institutional support leave is related to the employee's expertise and/or position of employment. Institutional support leave directly benefits the college and the employee's participation is requested by the college.

10.2. Examples of institutional support leave include but are not limited to business and industry partnerships with the college, grant-specified training, community partnerships through the college, accreditation activities related to employee's college, etc.

10.3. Any activity requiring more than five (5) regularly scheduled workdays of institutional support leave during the leave year will require the Chancellor's written approval.

10.4. Approved activities sponsored by ACCS or the employee's college are part of the employee's regularly assigned duties and are not a type of leave.

## 11. Paid Absences Due to On-The-Job Injuries

11.1 The President is authorized to approve payment of salaries and fringe benefits for the equivalent of up to ninety (90) working days for absences arising from on-the-job injuries to employees when the President has determined that an employee has been injured on the job and cannot return to work as a result of the injury. An on-the-job injury is defined as “any accident or injury to the employee occurring during the performance of duties or when directed or requested by the employer to be on the property of the employer which prevents the employee from working or returning to his or her job.”

### 11.2 General Provisions

- A. Employees are not precluded from using accrued leave for an absence or absences resulting from an on-the-job injury, if they elect.
- B. Continuation of an employee's salary or wages paid under these guidelines shall be computed based on a daily rate. The amount authorized for each work day lost due to the temporary disability shall be the full regular daily salary or wage the employee would have earned if the employee had worked as normally scheduled.
- C. Incidents that occur during rest breaks or lunch periods, accidents resulting from carelessness or violation of published safety rules, and injuries caused by the behavior of fellow employees is subject to the judgment of the President as to whether they are on-the-job injuries.
- D. There must be clear and convincing evidence that the injury was job-related, was not a result of intentional harm, carelessness, intoxication, provocation, or other inappropriate behavior of the injured employee and was not the result of a preexisting condition for the President to determine an employee had an on-the-job injury.
- E. The following requirements shall apply to approval of salary continuation due to on -the-job injury:
  - 1. The employee must provide notification of the on-the-job injury to the President or designee within twenty-four (24) hours of the occurrence of



the injury. If the employee is not clinically able to submit notification, such notification may be made by an individual representing the employee or on behalf of the employee. Such individual must be reasonably knowledgeable concerning the injury and the condition of the employee.

2. The college must receive within 72 hours after the notification of the on-the-job injury satisfactory evidence that the injury was on-the-job in the form of a statement from one or more witnesses who saw the incident causing the injury, or a signed, notarized statement from the injured employee if there were no witnesses. (In the event of an alleged stress-related injury, a sworn statement from the employee and a supporting statement from the employee's licensed healthcare provider shall be required.)
  3. In the event the employee incurs the third absence related to the on-the-job injury, the college must receive certification from a licensed healthcare provider, obtained at the employee's expense, as to the injury's severity and prognosis. The college must receive the certification within three (3) work days from the third absence.
- F. The employee must provide to the college notification from the licensed healthcare provider that the employee is released to return to regular duty. The college must receive the notification immediately upon release by the licensed healthcare provider.
- G. Upon the President's receipt of a licensed healthcare provider's certification that an on-the-job injury is the cause of partial or total permanent disability, the employee shall be informed promptly about his or her right to bring a claim before the Alabama State Board of Adjustment.
- H. Acceptance by an employee of salary and benefits continuation payments for a perceived temporary disability due to an on-the-job injury shall be upon the condition that the employee agrees to the deduction of the amount paid for temporary disability from any subsequent award by the Alabama State Board of Adjustment in the event the disability is subsequently determined to be permanent.

## 12. Parental Leave

Beginning July 1, 2025, paid parental leave for eligible employees may be available pursuant to the Alabama Public Employee Paid Parental Leave Act of 2025 in conformance with Alabama Code Section 36-6A-1, et seq., under the terms and conditions set forth in this policy.

A. Definitions. Unless stated otherwise herein, terms in this Policy shall have the same definition as provided in Alabama Code 36-6-1, et seq.

1. Base Pay is defined as the eligible employee's current, ordinary rate of pay as reasonably determined by the college. Any supplement/stipend awarded for additional duties (such as \$400 monthly division chair supplement, head librarian supplement, second-in-command pay, or extra duty pay of any kind) will not be considered part of base pay and shall not be paid while the eligible employee is on paid parental leave. Any supplement that is not tied to additional work (such as doctorate degree supplement) will be a part of base pay.
2. Healthcare Professional is defined as a physician, physician assistant, nurse practitioner, or midwife who is licensed to practice in his or her respective field in the State of Alabama.
3. Miscarriage is defined as "[t]he loss of an unborn child at or after 12 weeks gestation and is confirmed in writing by a healthcare professional." The term does not include an abortion as defined in Alabama Code Section 26-23H-3 unless necessary to prevent a serious health risk to the unborn child's mother as permitted under Alabama Code Section 26-23H-4.
4. Qualifying Event is defined as the birth, stillbirth, or miscarriage of an eligible employee's child, or certain adoption placements which meet the requirements for parental leave.
5. Stillbirth is defined as "[t]he loss of an unborn child at or after 20 weeks gestation that is confirmed in writing by a healthcare professional." The term does not include an abortion as defined in Alabama Code Section 26-23H-3 unless necessary to prevent a serious health risk to the unborn child's mother as permitted under Alabama Code Section 26-23H-4.

B. Parental Leave. An eligible employee shall be entitled to the following:

1. 8 weeks of paid parental leave for a mother in connection with the birth, stillbirth, or miscarriage of her child;
2. 2 weeks of paid parental leave for a father in connection with the birth, stillbirth, or miscarriage of his child;
3. 8 weeks of paid parental leave in connection with the placement of a child with an eligible employee for adoption, provided the child is three years of age or younger at the time that he or she is placed with the eligible employee.

If parents who jointly adopt a child are both eligible employees of either ACCS, a community college, a local education agency, or a state agency, one parent shall be entitled to eight weeks of parental leave and one parent shall be entitled to two weeks of parental leave in connection with the adoption. Coordination and documentation between the two employing entities will be required.

C. Eligible Employee

1. An employee is eligible for Parental Leave if the employee is both:
  - a. Full-time with entitlement to leave benefits with the college (such as those on Schedules B, C, D, E, H and some contract employees who earn leave like a Schedule B, C, D, E, H employee) and,
  - b. Has been employed with the college in a full-time position with leave benefits for at least 12 consecutive months immediately preceding the occurrence of a qualifying event.
2. An employee is not eligible for Parental Leave if the employee is an adjunct, part-time employee who is not on Schedule H, or an on-call, seasonal, hourly, or temporary employee. In addition, most Schedule L employees and some contract employees also do not meet this definition.

#### D. Establishing Eligibility

1. Prior to granting parental leave, the college requires the employee to complete a Parental Leave certification form, as provided by the college.
2. In addition to the certification form, the college shall require an employee requesting parental leave to provide acceptable proof in support of the request for parental leave.
  - a. For birth/stillbirth, acceptable forms of proof would include but are not limited to a birth or stillborn certificate with the employee's name listed as parent.
  - b. For stillbirth/miscarriage, acceptable forms of proof would include appropriate healthcare professional certification with employee name listed as parent.
  - c. For adoption placement, acceptable forms of proof include but may not be limited to a birth certificate for adoptee, formal placement documentation such as affidavits or government agency letters, and formal adoption proceeding documentation.
3. An eligible employee may not take parental leave under this policy unless he or she meets all of the following requirements:
  - a. Submits a completed certification as set forth in Paragraph (D)(1); and
  - b. At least 30 calendar days prior to the use of the parental leave, the eligible employee shall provide by email to the immediate supervisor and head personnel in Human Resources a written plan regarding his or her intended use of the parental leave and any other leave he or she intends to take in connection with a qualifying event, in conjunction with or on any form required by the college; and
  - c. The eligible employee shall agree in writing that he or she will not separate from employment with the college for a period of at least eight weeks following the conclusion of any

leave taken in connection with a qualifying event, in any form or agreement required by the college.

- i. Any periods of leave, whether paid or unpaid, or other periods of non-duty status (e.g., use of accrued leave balances, use of unpaid leave, compensatory time, college closures, holidays) will not count toward the 8-week work obligation.
  - ii. The 8-week obligation will not start running or being counted and calculated until after all intermittent or reduced schedule leave, as well as any other leave associated with the qualifying event, has been completed.
  - iii. The term "separate from employment" in this subparagraph refers to any form of employment separation, including an involuntary termination.
4. In the event of an emergency that prevents an eligible employee from completing the requirements of paragraph (D)(3) prior to taking parental leave, the eligible employee shall complete the requirements as soon as practicable, and in no event later than 14 calendar days, after the emergency has ended, including providing sufficient documentation to establish a qualifying condition and emergent event.

E. Leave Prior to Qualifying Event. In the event an employee desires to take paid parental leave prior to the occurrence of a qualifying event, the employee must comply with all of the requirements of Paragraph (D) above, and the employee must provide acceptable proof in support of the early request for parental leave.

1. Prior to the qualifying event, "in connection with the birth" shall mean the eligible employee is (a) attending prenatal appointments or other visits to a Healthcare Provider due to the expected birth of a child; (b) has been hospitalized in expectation of the birth of a child or due to a condition caused by or related to the expected birth of a child; or (c) otherwise requires leave due to a Healthcare Provider's order requiring the mother to limit her physical activity prior to the expected birth of a child.
2. Prior to the qualifying event, "in connection with the placement of a child with an eligible employee for adoption" shall mean the eligible employee

is utilizing leave for one of the following: (a) meeting with an attorney regarding the adoption of the child; (b) hosting in-home visits necessary for the completion of the adoption; (c) attending judicial proceedings regarding the adoption of the child; (d) attending counseling sessions regarding the adoption; (e) submitting to a physical examination for adoption purposes; or (f) traveling to another country to complete an adoption.

3. The term "in connection with the placement of a child with an eligible employee for adoption" shall not include foster care or the placement of a child with the employee for any other temporary or non-adoption purpose.

F. Compensation. Parental leave under this policy shall be paid at 100 percent of the eligible employee's base pay and shall remain at 100 percent of the employee's base pay as if the eligible employee worked continuously from the date that parental leave commenced until the eligible employee's return to work.

G. Duration

1. Parental leave under this policy is available for use only during the 365 days following the commencement of a qualifying event or within 365 days of the eligible employee taking parental leave, whichever occurs sooner.
2. Parental leave under this policy may be used continuously, intermittently, or on a reduced scheduled basis. Eligible employees utilizing intermittent or reduced schedule leave under this rule shall be subject to the following limitations:
  - a. Eligible employee shall maintain a continuing parental role with any child whose birth or adoption was a qualifying event (this means that intermittent leave is reserved only for time spent bonding with, caring for, or fulfilling a parenting role and it is a violation to use parental leave in birth or adoption context to work second jobs, vacation without the child, or otherwise not parent); and
  - b. Any intermittent or reduced scheduled leave must be agreed to by the college prior to the start of the leave.

H. Restoration to Position. Upon the expiration of parental leave, the college shall restore the eligible employee to the position that he or she held at the time of the qualifying

event or to an equivalent position with equivalent seniority, status, employment benefits, pay, and other terms and conditions of employment, including fringe benefits and service credits, that the eligible employee received or was entitled to prior to the commencement of his or her parental leave.

- I. Failure to Comply. Any failure of the employee to abide by this policy may result in the college denying paid Parental Leave. The college may recover any improperly granted paid Parental Leave, whether it be through the substitution of other available leave, leave without pay, offset, or otherwise. Specifically, if an employee fails to comply with any return-to-work agreement, the College shall recover from the employee, by offset or otherwise, an amount equal to the eligible employee's hourly rate of pay multiplied by the number of hours the eligible employee failed to work in compliance with the return to-work agreement. Any such recovery shall comply with the federal Fair Labor Standards Act, as applicable.

J. Limitations

1. Approved parental leave does not require the employee to exhaust his or her sick leave, annual leave, or any other leave or paid time off.
2. An eligible employee may only use parental leave in connection with one qualifying event during a 365-day period, even if more than one qualifying event occurs.
3. After an eligible employee exhausts all available parental leave, any additional leave an employee wishes to take shall be taken in accordance with college policies.
4. Eligible employees using parental leave under this policy shall follow the college's customary leave practices that are not contradicted by this policy.
5. Any leave taken under this policy shall run concurrently with any leave granted under Alabama Code S 25-1-61 and the Family and Medical Leave Act of 1993.
6. Parental leave has no cash value. Any unused parental leave may not be used to calculate an eligible employee's retirement benefits. Unused parental leave shall not roll over, be reserved for use during a subsequent qualifying event, or be paid to the eligible employee.
7. The President of the college may waive the return-to-work agreement set forth in paragraph (D)(3)(c) in circumstances where the eligible employee

is unable to return to work due to their own serious health condition or a serious health condition of an immediate family member. However, the college has no obligation to do so.

8. This parental leave policy is not effective until July 1, 2025. If a qualifying event occurs prior to this date, the employee will not be eligible for parental leave under this policy.

**Reference Alabama Community College System Policy 610.01: Leaves with Pay; 610.02: Paid Absences Due to On-The-Job Injuries.**

## **POLICY 5.4: LEAVES WITHOUT PAY**

### **1. General Rules**

- A. Requests for leave are to be made via the established procedures at the college or entity. Each college or entity is directed to establish local procedures for requests, approvals, and use of leave including maintenance of appropriate records. The immediate supervisors are responsible for assuring that leave approvals in their areas of responsibility are reported timely and accurately.
- B. Time spent on unpaid leave will not count in computing the amount of time worked during a given academic year.
- C. Time spent on unpaid leave will not be counted in computing tenure or non-probationary status.
- D. Employees who are in an approved leave without pay status are not eligible to continue to receive leave accruals or benefits, unless covered by the Family Medical Leave Act (FMLA).
- E. Except as provided under these policies, no employee shall be in an unpaid employment status with any ACCS college or entity. Being in an unauthorized unpaid employment status is a violation of policy and may result in disciplinary action, including termination. It is an employee's responsibility to monitor his or her own leave accounts and approvals to ensure he/she is not in an unauthorized unpaid employment status.

### **2. Maternity Leave**



All full-time employees and Salary H employees of a System college will be granted up to a maximum of six (6) consecutive calendar months of maternity leave without pay for the birth or adoption of a child. All accrued leave including compensatory leave unless in FMLA status must be exhausted before an employee is entitled to request unpaid maternity leave.

### 3. Personal Leave

The Chancellor may grant up to six (6) months of personal leave without pay to a full-time employee or Schedule H employee on the written request of the President to the Chancellor based on special circumstances. Such request shall state that the leave without pay will not hamper the normal routine operation of the College. All accrued leave and compensatory time must be exhausted before an employee is entitled to request unpaid personal leave.

### 4. *Family and Medical Leave Act* Leave

The Alabama Community College System Board of Trustees and the colleges and entities under its direction and control shall with the requirements of the Family Medical Leave Act (FMLA). Any accrued leave except compensatory time, must be used concurrently with FMLA leave and must be exhausted before an employee is entitled to unpaid FMLA leave. The *Family and Medical Leave Act* I (FMLA) was passed by Congress to balance demands of the work place with needs of families, promote stability and economic security of families, and promote national interests in preserving family integrity; minimize the potential for employment discrimination on the basis of gender by ensuring generally that leave is available for eligible medical reasons (including maternity-related disability) and for compelling family reasons; and promote the goal of equal opportunity for women and men. It is the policy of Marion Military Institute to comply with the applicable provisions of the Family Medical Leave Act. MMI's FMLA leave year is September 1-August 31.

- A. All provisions of the Family and Medical Leave Act will be followed as they relate to Leave occurrences for individuals meeting the eligibility requirements. Each system institution will comply with the FMLA. FMLA entitles eligible employees to take unpaid, job-protected leave for specified family and medical reasons with continuation of employment benefits under the same terms and conditions as if the employee had not taken leave. Benefits of FMLA leave laws include, but are not limited, to the following:

- i. Job Protection. An employee who takes FMLA leave is guaranteed the right to return to the same or similar position with equivalent pay, benefits, and other employment terms and conditions upon return.
  - ii. Benefit Protection. Insurance coverage is maintained, and no accrued benefits can be lost by taking FMLA leave.
  - iii. An employee on FMLA leave 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 to deal with a serious health condition.
  - iv. The college or entity will not interfere with an employee'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.
- B. Eligibility. To be eligible for FMLA benefits, an employee must have been employed by the college or entity for a total of twelve (12) months from the date on which any FMLA leave is to begin and must have worked at least one thousand two hundred fifty (1,250) hours over the previous twelve (12) month period. These guidelines generally do not cover temporary employees. However, if a temporary employee is extended beyond one (1) year, the employee would be covered if the employee had worked at least one thousand two hundred fifty (1,250) hours during the previous twelve (12) month period.

**Reference Alabama Community College Policy 611.01: Leaves Without Pay.**

#### **POLICY 5.5: EMPLOYEE-DEPENDENT TUITION ASSISTANCE**

1. Full-time employees and Salary Schedule H employees of system colleges are eligible for tuition assistance for courses taught for credit by community and technical colleges under the control of the Alabama Community College System Board of Trustees, when applicable, Athens State University.

2. Definitions, eligibility requirements, and procedures for implementing such tuition assistance shall be set out in guidelines established by the Chancellor of the Alabama Community College System. See attached guidelines as specified by the Chancellor.
3. The Tuition Waiver Form can be found in Appendix F of this handbook.

## **GUIDELINES FOR ACCS BOARD OF TRUSTEES 612.02: TUITION ASSISTANCE**

### **I. GENERAL**

This tuition waiver program is designed for all full-time benefits eligible employees, retirees, and benefits eligible H Salary Schedule employees of The Alabama College System and the Alabama Community College System Office and their dependents as defined under Section II. This program will not include non-benefits eligible, temporary, or part-time employees, or persons serving as independent contractors to any of the Alabama Community College System colleges or entities or to the Alabama Community College System office.

The program will be coordinated by each college for employees within The Alabama College System and the System Office.

An application form for the tuition assistance program is available at each college and should be completed prior to registration for classes. A copy of the completed form must be maintained by the employing college and the college offering courses (if different).

### **II. DEFINITIONS**

#### **A. Employee:**

1. Any full-time benefits eligible employee of any Alabama Community College System college or entity;
2. Any benefits eligible employee of the Alabama Community College System office;
3. Any benefits eligible Salary Schedule H employees of any Alabama Community System college or entity.

#### **B. Retiree:**

1. Any employee who has twenty-five (25) years or more of continuous service in The Alabama Community College System or the Alabama Community College System office and retires from The Alabama Community College System or the Alabama Community College System office;
2. Any employee who retires from the Alabama Community College System or the Alabama Community College System office under disability retirement.

C. Dependent:

1. The spouse of any eligible employee or retiree;
2. The unmarried children of any eligible employee or retiree residing in the household of the employee or retiree, residing in the household of the employee's or retiree's former spouse, or residing in temporary housing while enrolled in college such as college dormitories, apartments, and student housing;
3. The unmarried stepchildren of any eligible employee or retiree residing in the household of the employee or retiree;
4. A legal ward (a minor child placed by the court under the care of a guardian) when the guardian is a benefits eligible employee or retiree.

### III. ELIGIBILITY

A. Requirements

Employees: Employees must have been employed by an Alabama Community College System college or entity or the Alabama Community College System office for the equivalent of one full academic year for faculty or at least 12 months for non-instructional employees, prior to the first scheduled day of class for the term for which the employee is applying.

Dependents: Dependents will be eligible when said employee or retiree is eligible, and to the same degree to which the employee or retiree is eligible, except as herein modified.

Retirees: Only those former employees who have 25 years of continuous service and retire from an ACCS entity or system office or those former employees who

have a disability retirement from an ACCS entity or system office are eligible for tuition assistance under this policy.

#### B. Termination of Eligibility

Employees: Eligibility terminates if the employee discontinues full-time employment or becomes ineligible for benefits at the respective college for any reason except on an approved leave of absence.

Dependents: Dependents will be ineligible when said employee becomes ineligible or eligible retiree becomes ineligible.

Retirees: Eligibility terminates for retirees and their dependents five years after the retiree's effective retirement date on file with the System entity or System office.

Approved tuition assistance waivers are honored through the completion of the current term only.

### AMOUNT OF ASSISTANCE, LIMITATIONS, CONDITIONS, AND AUDITING

#### A. Tuition Cost

All eligible employees and their dependents will be allowed a waiver of one-third (1/3) of the normally-charged tuition after the first year (equivalent of one full academic year for faculty or 12-month period for non-instructional employees) of employment; a waiver of two-thirds (2/3) tuition after the second year of employment (the equivalent of two full academic years for faculty or at least twenty-four months for non-instructional employees) is allowed for eligible employees and their dependents; and a waiver of full tuition after the third year of employment (the equivalent of three full academic years for faculty or at least thirty-six months for non-instructional employees) is allowed for retirees, eligible employees, and their dependents.

Partial tuition adjustments are to be rounded down to the nearest dollar. Eligible Salary Schedule H employees will be allowed a waiver calculated at a prorated rate of full-time employment. Expenses for supplies, books, and fees other than tuition will not be waived. Each college will be allowed to count the credit hours generated by these enrollees.

## B. Limitation

There is no limitation as to the number of credit hours taken, other than the regular academic limitations that apply at the respective colleges. All students will be required to abide by the academic policies that are in effect at the college they are attending.

## C. Conditions

Any eligible student under this policy must maintain at least a “C” average (2.0 on a 4.0 scale) to be eligible for tuition waiver in the courses for which the student receives tuition assistance. Failure of the eligible student to meet this grade requirement causes the student to be ineligible for further tuition assistance until the student (1) brings his cumulative grade point average at the same college in which the tuition assistance was previously provided to a 2.0, or (2) provides satisfactory evidence that the student paid tuition at a college after he/she became ineligible for tuition assistance for the same number of hours in which the student failed to make a 2.0 in tuition assistance classes with evidence that he/she obtained at least a 2.0 in the paid classes. If a student has become ineligible for tuition assistance at one college due to his/her inability to maintain a 2.0 in tuition assistance courses, the student is ineligible to receive tuition assistance at any other college.

## D. Auditing

An eligible student will be allowed to audit one course (up to five credit hours) per term at no cost. The eligible student must meet all attendance requirements, class participation, and assignments as required of credit-enrolled students except the final examination is not required. Failure to comply with these requirements will result in the student becoming ineligible for further participation as an audit student in credit hour-producing courses reported for funding purposes. Expenses for supplies, books, and fees will not be waived.

## E. Repeating Class

An eligible student may not receive tuition assistance to repeat a course for which tuition assistance was already provided. Tuition assistance, if obtained by an eligible student for a repeated course, must be repaid by the student.

Tuition assistance will be disallowed for repeating a class for which the grade of "W" was originally received.

F. Recertification of Eligibility

The eligible student must re-certify eligibility, as specified in Condition IV.C. above, prior to registering for a new term by completing, submitting, and receiving approval of the "Employee-Dependent Tuition Waiver" form. Providing false information will result in exclusion from all tuition assistance benefits and result in a requirement to repay all tuition assistance benefits and result in a requirement to repay all tuition paid for the student under this program and possible other disciplinary action.

G. Work Week

Participation in this program is **in addition** to the employee's full-time work week, and should not be considered when computing the employee's time for financial compensation. However, in certain cases the employee's work schedule may be adjusted to permit course attendance. Adjustments to an employee's weekly work schedule must be recommended by the employee's supervisor and/or Dean, and approved by the President.

H. Eligible Student Responsibility

It is the responsibility of the eligible student under this benefit program to ensure that all documents and forms required in this process are completed, submitted, and approved by the appropriate personnel in a timely manner. Any information or forms deemed incomplete will cause a delay in the processing of the tuition waiver. It is the eligible student's responsibility to verify with the college of enrollment that all documentation and forms are completed and approved in a timely manner.

**Reference Alabama Community College System Policy 612.02: Tuition Assistance.**

# **SECTION 6**

## **GENERAL INFORMATION**



## **POLICY 6.1: TOBACCO FREE CAMPUS**

Marion Military Institute (MMI) is committed to providing a safe and healthy environment for its employees, students and visitors. MMI recognizes the right of persons to make their own decisions about their personal use of tobacco products outside of campus. As decades of medical research and study have shown, and the United States Surgeon General has reported, use of tobacco products and exposure to secondhand tobacco smoke are significant health hazards. In the interest of protecting the work and learning environment from the unintended consequences of tobacco use by primary tobacco users, and in an effort to ensure consistency with existing restrictions on tobacco use placed on MMI cadets, and to ensure consistency with the healthy life-style standards implied within MMI's military environment, MMI has established a tobacco-free environment on its campus and in its vehicles. Consequently, the use, distribution, or sale of tobacco products, including the carrying of any lighted smoking instrument, or e-cigarettes, anywhere on MMI's campus or other MMI premises, indoors or outdoors, or inside MMI-owned, rented or leased vehicles, is prohibited. For the purposes of this policy, a "tobacco product" is defined to include any lighted or unlighted cigarette, cigar, pipe, and any other smoking product, as well as smokeless tobacco in any form.

All college employees, cadets, visitors and contractors are required to comply with this policy, which shall remain in force at all times. Cadets who violate the policy may be subject to disciplinary action as described in the Cadet Manual. Employees who violate the policy may be subject to corrective or disciplinary action in accordance with the Faculty and Staff Handbook and the Student's First Act.

## **POLICY 6.2: FIREARMS ON CAMPUS**

I. Firearms are prohibited on campus or in any other facility operated by the College. Exceptions to this policy are:

1. Law enforcement officers legally authorized to carry such weapons who are officially enrolled in classes or are acting in the performance of their duties or an instructional program in which firearms are required equipment.
2. Individuals not otherwise prohibited from possession of a firearm by state or federal law may possess a firearm and ammunition for that firearm in the individual's privately owned motor vehicle while parked

or operated on the grounds of the institution; provided, that the individual satisfies all of the following conditions:

(a) If the firearm is a pistol, the individual is not generally prohibited from possession of a pistol by state or federal law.

(b) If the firearm is any firearm legal for use for hunting in Alabama other than a pistol:

(1) The individual possesses a valid Alabama hunting license.

(2) The firearm is unloaded at all times while on the grounds of the institution.

(3) It is during a season in which hunting is permitted by Alabama law or regulation.

(4) The individual has never been convicted of any crime of violence.

(5) The individual has no documented prior incidents on the grounds of the institution involving the threat of physical injury or which resulted in physical injury to another.

(c) The motor vehicle is operated or parked in a location where it is otherwise permitted to be.

(d) The firearm is either of the following:

(1) In a motor vehicle attended by the individual and kept from ordinary observation within the individual's motor vehicle.

(2) In a motor vehicle unattended by the individual, kept from ordinary observation and locked within a compartment, container, or in the interior of the individual's privately owned motor vehicle or in a compartment or container securely affixed to the motor vehicle.

II. If the institution believes that an individual presents a risk of harm to himself, herself, or to others, the institution may inquire as to whether the individual

possesses a firearm in his or her private motor vehicle. If the individual does possess a firearm in his or her private motor vehicle on the property of the institution, the institution may make any inquiry necessary to establish that the individual is in compliance with section 2 above.

If the individual is not in compliance with section 2, the institution may take adverse action against the individual, in the discretion of the institution.

**Reference Alabama Community System Policy 511.01: Firearms on Campus.**

**POLICY 6.3: VEHICLE REGISTRATION**

All faculty and staff members must register their motor vehicles with the Transportation Office. To register a vehicle, the driver must provide a valid driver's license, vehicle registration, and proof of insurance. Upon registration, the driver will be issued a sticker which must be displayed anytime the vehicle is on campus. If the hangtag is lost, the driver must report the loss to the Transportation Office and purchase a replacement at a cost of \$15.00. There is no charge for the initial registration of a vehicle.

**POLICY 6.4: TRAVEL**

Marion Military Institute will reimburse employees for expenses incurred during approved travel for the service of the institution. Approval for official travel should be received prior to the trip. The In- State or Out-of-State Travel requests forms, whichever is appropriate, should be submitted through established administrative channels for approval. All travel requests should have a copy of the meeting agenda, program brochures, GSA Per Diem printout, maps, or other appropriate documentation. Travel Requests must be attached to the Request for Reimbursement Form for the employee to receive payment for the official travel. Requests for travel reimbursements are to be submitted fully completed and signed by all required, to the Accounts Payable Office within 30 days after the date of travel. Complete, official travel information is available on the Alabama Community College System website or refer to ACCS Board of Trustees travel policy.

Travel forms may be found under Employee Forms on MMI's website.

## **In-State**

An In-State travel request form must be pre-approved by the budget manager prior to traveling and be attached to the reimbursement request. Travel that occurs without prior written approval may result in the employee absorbing the travel expenses.

All travel in the State of Alabama is subject to the following rules and regulations:

1. No travel allowance shall be paid for a trip of less than six hours' duration. For travel which does not require an overnight stay, the traveler shall be paid a meal allowance of \$12.75 for a trip of six to twelve hours' duration; and the traveler shall be paid \$34.00 if the trip exceeds 12 hours duration but does not involve an overnight stay. For travel requiring an overnight stay, the traveler shall be paid \$85.00 per day for travel requiring one overnight stay. For travel requiring stays of two or more nights, the traveler will be paid \$100 per day. The traveler must enter the hours of departure from base and the hour of return to base on the reimbursement form. If a meeting provides meals for the traveler, the per diem rate amount will be reduced accordingly.
2. Reimbursement at the mileage rate allowed by the Internal Revenue Code for income tax deductions will be made to employees traveling by private car at state expense. The mileage rate is set in accordance with Act 99-362, effective October 1, 1999, which sets the mileage rate at the amount allowed by the Internal Revenue Code for income tax deductions.
3. If there is interruption of travel or deviation from the direct route, due to the travelers' personal convenience, the per diem allowed would not exceed that which would have been incurred on uninterrupted travel by the most economical usually traveled route.
4. Under no circumstances will per diem be allowed for an employee at his/her official station or base.
5. For employees traveling in a private automobile, current map mileage must be used where mileage is given on the road map. Otherwise, speedometer readings at the beginning and ending of the trip should be recorded. If travel involves more than one city, the route taken must be indicated. For example, Montgomery-Tuscaloosa-Birmingham- Montgomery. All vicinity mileage should be recorded as such and if it exceeds twenty miles on any day, it should indicate major points of travel covered.

6. Employees should use as the base of departure or return, the College campus or their home, whichever is closer to the destination point.
7. **In-State, Actual and Necessary Expenses:** Code Section 36-7-21, Code of Alabama 1975, permits the payment of actual and necessary expenses while traveling in-state. No traveler may claim both per diem and reimbursement of actual expenses for any travel segment. Except as otherwise stated herein, the maximum reimbursable amount will be limited to the current per diem rates for the traveler's destination, as established by the United States General Services Administration, to include the maximum daily lodging rates. The most current per diem rates for Alabama can be found at this website: [www.gsa.gov](http://www.gsa.gov). Travelers should request the current government lodging rate for non-conference related travel when reserving lodging. A traveler may stay at the hotel that is hosting a conference or event for which the travel occurred and should obtain the government or conference lodging rate. A traveler may choose a less expensive hotel, provided travel to and from would not substantially increase transportation costs. Incurring lodging costs that exceed the government or conference rate must be justified in writing and approved by the agency head prior to travel.

In the absence of a hotel receipt, the employee may seek in-state per diem at the current approved rate of \$85 per day for one-night travel, and \$100 per day for trips longer than one-night.

8. Individuals traveling under this section will receive a daily per diem for meals and incidental expenses (M&IE) based upon the location (city) of duty in an amount that corresponds with the U.S. General Services Administration M&IE per diem rates for the continental United States ("CONUS"). Current per diem rates can be found at <https://www.gsa.gov/travel/plan-book/per-diem-rates>. Per diem is a flat-rate allowance intended to cover costs for meals and incidental expenses. A traveler will not be required to submit receipts for these items, nor will they be allowed to claim any extra expense related to them.
  1. Note: If a conference or meeting provides meals for the traveler, the per diem rate amount will be reduced by the meal rates per the GSA site. As an example, if the travel destination qualified for the \$51 M&IE rate and a lunch was provided as part of the conference, the amount to be claimed will be reduced by the \$12 lunch.
    - a) Incidental expenses include tips and service charges related to lodging, baggage, and transportation.

- b) On travel days, the traveler will be entitled to per diem for M&IE at a rate of seventy-five percent (75%) the daily rate. For all other days for which the individual is traveling, full per diem for M&IE will be paid. M&IE will not be paid for personal days.
- c) Travel-related expenses other than meals and incidental expenses require a receipt for reimbursement of actual expenses.

## **Out-Of-State Travel**

An Out of State travel request form must be pre-approved by the President or Chief of Staff prior to traveling and attached to the reimbursement request. Out-of-State travel reimbursements are paid as soon as practical, after the trip is completed and all criteria have been met.

- 1 State-owned automobiles should not be used for an out- of-state trip of 200 miles or more unless two or more people are attending the same meeting. Reimbursement for travel on an authorized out-of-state trip of 200 miles or more, for an employee by private automobile will be the prevailing plane fare rate, tourist's class, and not the federal mileage rate as determined by the Internal Revenue Code. The mileage rate is set in accordance with Act 99-362, effective October 1, 1999, which sets the mileage rate at the amount allowed by the Internal Revenue Code for income tax deductions. If an employee desires to use his private automobile on such out-of-state trips and to claim tourist class plane fare, he/she must take annual leave for travel time to and from his destination that is beyond the time that would be required for commercial air travel.
- 2 Employees traveling in the service of the college, outside the State of Alabama, shall be reimbursed for their actual and necessary expenses, in addition to conference registration and fees, lodging, meals and transportation. Reimbursement requests should be related to the purpose of the travel.
- 3 Individuals traveling under this section will receive a daily per diem for meals and incidental expenses (M&IE) based upon the location (city) of duty in an amount that corresponds with the U.S. General Services Administration M&IE per diem rates for the continental United States ("CONUS"). Current per diem rates can be found at <https://www.gsa.gov/travel/plan-book/per-diem-rates>. Per diem is a flat-rate allowance intended to cover costs for meals and incidental expenses. A traveler will not be required to submit receipts for these items, nor will they be allowed to claim any extra expense related to them.
  - a. Note: If a conference or meeting provides meals for the traveler, the per diem rate amount will be reduced by the meal rates per the GSA site. As an example, if the

travel destination qualified for the \$51 M&IE rate and a lunch was provided as part of the conference, the amount to be claimed will be reduced by the \$12 lunch.

- i. Incidental expenses include tips and service charges related to lodging, baggage, and transportation.
- ii. On travel days, the traveler will be entitled to per diem for M&IE at a rate of seventy-five percent (75%) the daily rate. For all other days for which the individual is traveling, full per diem for M&IE will be paid. M&IE will not be paid for personal days.
- iii. Travel-related expenses other than meals and incidental expenses require a receipt for reimbursement of actual expenses.

4 State of Alabama policies allow for reimbursement of only the person in travel status. To obtain reimbursement, documentation must be original, itemized and include:

1. Hotel original receipt
2. Commercial transportation original receipt
3. Mileage map documentation (private vehicle)
4. Car rental original receipt

5 Miscellaneous items for reimbursement may include parking fees, taxi fares (business related), and baggage handling.

All reimbursement requests must be submitted within 30 days of the travel date to be honored.

## **POLICY 6.5: COMPUTER USE POLICY**

Marion Military Institute (MMI) provides computing resources and worldwide network access to members of the MMI community for legitimate academic and administrative pursuits to communicate, access knowledge, and retrieve and disseminate information. All members of the MMI community (faculty, staff, cadets, and authorized guests) share the rights and responsibilities for the use of these privileges. MMI bears the responsibility and has the authority to allocate or otherwise limit access to computer and network resources in order to ensure their most effective and economical use.

For legal purposes, all network usage is monitored and electronically stored. MMI may examine electronic information stored on or passing over college equipment or networks, for the following purposes: 1) to ensure security and operating performance of its computer systems

and networks; 2) to enforce MMI's policies or compliance with state or federal law where examination is approved in advance by the Vice President or the President and, either there is reasonable suspicion that a law or MMI policy has been violated or examination is appropriate to investigate the apparent violation, or examination is necessary to comply with state or federal law. Computer users should have no expectation of privacy in material sent, received, or stored on or over MMI computing systems or networks.

Paloalto Firewall and Network Appliance Controls (NAC) are in place to enforce computer policies and maximize bandwidth usage among all users.

### Guidelines for Users

1. A user should avoid actions that may make themselves or MMI criminally or civilly liable to others.
2. A user should not do anything that will impair the operation of computers, terminals, peripherals, or networks.
3. A user should avoid any acts or omissions that might subject him/her to criminal penalties or to civil liability. Some acts or omissions that may subject him/her to criminal penalties or civil liability may also subject MMI to criminal penalties or civil liability.
4. A user should be aware that, if any other state or federal law makes the user or MMI criminally or civilly liable for certain conduct, the law still applies even if not specifically described herein.
5. A user should also know that, under law, he/she may be required to reimburse MMI for any amount of money that the College must pay to another because of injury caused by user conduct.
6. A user is not allowed to install switches, hubs, routers, wireless access points, or any other active or passive network device.



### Use of Networks

Networks are a form of property controlled by agreements between providers and users. Furthermore, public networks are regulated; therefore, violating a state or federal regulation may bring criminal or civil penalties.

### Use of Software

Computer software is a form of intellectual property controlled by licenses that spell out clearly how it may be used and distributed. Everyone must follow all license provisions regulating the use and distribution of computer software. Use or distribution of software in violation of license provisions may subject the violator to criminal and civil penalties, as well as to civil liability to the licensor.

### Security

MMI treats electronically stored information, including personal files, as confidential. Use of campus email, the Internet, or networks have been subject to criminal, civil, and/or university sanctions at other institutions, which means that the privilege of confidentiality is not absolute, but may be overridden by court order (Federal Rules of Civil Procedure Rule 16, effective December 1, 2006.) Information critical to the operation of MMI, regardless of its format, is an asset, and measures should be taken to protect this asset from unauthorized modification, destruction, or disclosure, whether accidental or intentional. Under Alabama Code 13A-8-102, it is a crime to attempt or achieve access to, communication of, examination of, or modification of, to destroy, or to disclose, use, or take data, computer programs or supporting documentation. In summary, under law, no one may use, transmit, change, or delete another user's files or software without permission or introduce destructive software, such as programs known as computer viruses, Trojan horses, or worms into any computer, computer system, or network. When an employee connects to the MMI network and logs into the system with a valid ID and password, the employee indicates that he/she understands and agrees to abide by this policy.

### **POLICY 6.6: LIBRARY SERVICES**

Marion Military Institute's Baer Memorial Library provides quality resources to support the college's curriculum and expert services to support Marion Military Institute cadets, faculty and staff. The library staff is equipped to educate users in areas of researching skills and information

retrieval to help them succeed. Community members are also encouraged to take advantage of these resources.

The Baer Memorial Library houses over 30,000 physical resources in the collection including books, serials, periodicals, DVDs and has access to over 50 databases that includes information from thousands of journals and periodicals with full text. The library webpage can be accessed at <https://sites.google.com/site/baermemorial/>. Databases provided via the Alabama Virtual Library may be accessed at <http://www.avl.lib.al.us/>.

The Baer Memorial Library is open during semesters when classes are in session. Hours of operation are:

Monday – Thursday	7:30am – 9:15pm (0730 – 2115)
Friday	7:30am – 2:00pm (0730 – 1400)
Saturday	Closed
Sunday	6:30pm – 9:15pm (1830 – 2115)

The library is closed for holidays and summer. Hours increase during finals week to accommodate cadets. Changes made to the schedule will be posted on the website.

Additional information about library services and policies can be found at the library website above. You can contact library staff at [librarian@marionmilitary.edu](mailto:librarian@marionmilitary.edu) and phone 334-683-2371.

The library takes requests for materials from staff, cadets and faculty. Interlibrary Loan services are also available on a limited basis and inquiries should be made to [librarian@marionmilitary.edu](mailto:librarian@marionmilitary.edu). There is no specific period in which materials may be requested. Keep in mind that it takes time to acquire, receive and process materials so as much notice as you can give is preferable.

There are several meeting rooms/labs located within the library that are available for faculty and staff use. Because there is a high demand for these rooms, it is preferable that a room be requested as far in advance as possible. Email [librarian@marionmilitary.edu](mailto:librarian@marionmilitary.edu) or phone ext. 371 to make reservations. A list and description of rooms is available at <https://sites.google.com/site/baermemorial/room-reservations>.

Library instruction within the library and/or the classroom, assistance in developing effective library assignments for students, and prepared research guides are some of the services available for faculty.

## **POLICY 6.7: RENTAL PROPERTY AND USE OF CAMPUS FACILITIES**

### **A. Residential Rental Property**

Residential rental housing is available to full-time MMI employees only. Rental housing allocation gives highest priority to those employed in instruction, student services and senior administrative positions. Housing assignments will be based upon availability, family size, and seniority of position or priority as determined by the President. Employees should complete a housing request form and submit it to the Comptroller for consideration and approval by the President. Renters are expected to sign and abide by a lease agreement. Renters are responsible for paying a monthly rental rate and all utilities consumed. Rental rates will be based on current local median rates for similarly sized housing.

### **B. Paul B. Robinson Excess House**

The Excess House is available to rent to MMI employees as well as to community members, clubs, and organizations. All events are scheduled on a “first-come first-served” basis with priority given for MMI functions. Those interested in using the facility should contact the Comptroller. Renters will be expected to sign a rental agreement prior to the scheduled event. Renters are responsible for paying a facility fee of \$300.00 per day for use of the property as well as a damage deposit of \$100.00. The damage deposit will be returned to the renter within two weeks after the event if the facility has incurred no damage, and if the Renter has sufficiently cleaned the facility after using it such as to not require cleaning by MMI staff.

### **C. Johnson Hall Guest Suites**

The guest suites at Johnson Hall are reserved for guest speakers, designated special guests and honored alumni. All guests will be approved by the President prior to their being offered use of a guest suite. Generally, these guests will not be charged for use of the guest suite. Faculty/staff may recommend/request other special guests for a guest suite through their supervisor, and shall make no promises of guest suite availability until approval has been given. If approved, faculty/staff shall make all arrangements for potential guests with the Comptroller. The standard rental rate in these instances is \$85.00 per night.

## **POLICY 6.8: PURCHASING**

The purchasing function supports the mission, goals, and objectives of the College. It provides service to students, faculty, and the staff. Purchasing of goods and services, repairs, leases, lease purchases and contractual services for the College are centralized under the Comptroller. Purchasing shall be in compliance with the "BID LAW," Alabama Code 1975, Section 41; Chapter 16; Article 3, Public Law 95-507 that allows participation by small businesses; and Executive Orders 11246 and 12138 concerning equal employment opportunity and affirmative action. Purchase requirements related to federal grants and contracts will comply with OMB Circular A 133. Senior staff must prepare a list of supplies, contractual services, and equipment for the coming fiscal year and submit it with their annual budget request. Bid specifications for like items will be prepared and quantity purchases will be made. Bid specifications for purchases will be prepared in cooperation with the department making the request. The purchasing procedure includes the use of a Requisition for Purchase Order, Purchase Order, audit of invoices, and approval for payment before issuing disbursements.

### **Requisition for Purchase Order**

A Requisition for Purchase Order is required for all purchases of supplies, equipment, repairs, leases and contractual services. The requisition form is prepared on-line and follows the designated approval queue. Emails are sent to all individuals involved in the approval process. Faculty and staff requesting materials will complete a Requisition for Purchase Order. The items to be purchased must be listed separately with the description clearly stated. General descriptions such as "electrical supplies or office supplies" are not acceptable. The unit price for each item should be listed and extended to the total column. The total of all items must be placed at the bottom of the page. Faculty requisitions must be submitted to the division chairperson; staff requisitions must be submitted to the appropriate budget manager, e.g., Chief Instructional Officer, Athletic Director, VP for Student Affairs and Commandant of Cadets. Unapproved requisitions will be returned to the employee completing the request. The budget manager is responsible for reviewing the requisition for available budget, and its relative use in the department. After the budget manager's approval, the requisition must be forwarded to the Comptroller for review. The Business Office reviews the requisition for legal issues, budget compliance, and bid requirements. If requirements have been met, the Comptroller approves the requisition and forwards it to the appropriate office to proceed with the purchase. Purchases that are made prior to obtaining the proper approval will be charged to the individual making the unauthorized purchase. Non-payment of these items by the individual could result in job suspension or termination as determined by the President.

### Check Requests

Check requests are not exempt from the purchase requisition process. All check requests must follow the procedures above for a purchase requisition. All check requests require the completion of a Check Request Form that must be approved by the budget manager. The budget manager's signature indicates that the appropriate budget has been reviewed and that funds are available to support the purchase. A signed receipt or invoice for the expenditure must accompany the Check Request Form.

### Petty Cash

The use of petty cash in excess of \$50 is unauthorized. All purchases in excess of this amount must be processed through a requisition for purchase order. All reimbursements for petty cash require the completion of a Petty Cash Form that must be approved by the budget manager. The budget manager's signature indicates that the appropriate budget has been reviewed and that funds are available to support the purchase. A signed receipt or invoice for the expenditure must accompany the Petty Cash Form.

## **POLICY 6.9: FUNDRAISING**

The MMI President is responsible for all fundraising and gift solicitation activities at MMI. The Office of Institutional Advancement is the designated staff section responsible for coordinating all fundraising activities as directed and approved by the President.

All fundraising activities, proposed or approved, must be coordinated with the Vice President for Institutional Advancement. The Office of Institutional Advancement is also responsible for providing advice to the President on all fundraising activities and support as may be required for those activities once approved. This office also has responsibility for overseeing the development process, including the identification, cultivation, and solicitation of sources of philanthropic support for MMI and the valuation, recording and acknowledgement of gifts received by the Institute or any of its offices.

Prior to the initiation of a formal request for solicitation approval, the Office of Institutional Advancement is available to consult with those who wish to approach potential funding sources. This office, in coordination with the President, will assess the appropriateness and

timing of such a solicitation in light of institutional priorities and any known financial commitments by those considered to be potential donors.

Once a formal solicitation request has been approved by the President, the Office of Institutional Advancement will work with the office, or individual faculty or staff member to identify and evaluate prospects, to suggest solicitation approaches, and to assist, as appropriate, in the solicitation process.

It is understood that individuals, corporations, foundations, or other entities may initiate contact with MMI faculty and staff regarding funding opportunities. While individual staff and faculty members are encouraged to answer questions and to discuss gift opportunities with potential donors, those inquiries *must be reported promptly* to the Vice President for Institutional Advancement. That information is critical to the overall coordination of fundraising and development activities.

#### **POLICY 6.10: COURSE SYLLABI**

New faculty members will consult their Department Chairs for copies of course syllabi. Faculty members are required to disseminate state-approved course syllabi to each student in each course at the beginning of the semester. This syllabus must include all the details necessary for each student to know the full range of requirements in a class, including the grading system used by the instructor.

Each syllabus must also provide students with a daily/weekly schedule of course work. A daily/weekly schedule must include an outline that states the topics and related activities to be included in each class session and must follow the formatting and contain all the elements of the MMI Syllabus Model, a copy of which can be found on the electronic Academic Affairs folder on all MMI instructors' computers. Each semester a complete copy of each course syllabus must be filed with the Department Chair and in the Academic Affairs folder by a deadline designated by the Chief Instructional Officer.

#### **POLICY 6.11: TEXTBOOKS**

All textbooks and supplemental materials required of students will be sold through the Marion Military Institute Bookstore. Under no circumstances are instructors to sell or take orders personally for such items. Instructors must use only those textbooks/materials approved for the

course taught. Textbooks/materials provided by the instructor's department chairs remain the property of the department.

1. Each department will review and recommend textbooks/materials through appropriate administrative/instructional processes.
2. The textbooks/materials to be considered must meet the course description in the catalog.
3. A primary consideration when recommending texts shall be the cost to the student of the books/materials.
4. If the textbooks/materials will lead to personal profit for the author who is a member of the department seeking to adopt the textbooks/materials, the author shall not be permitted to participate in the approval of this text.
5. After meeting with relevant faculty members, the Department Chairs will be responsible for informing the bookstore, in a timely fashion, of all approved choices for textbooks/materials.
6. The use of any supplementary textbooks/materials which the instructor requires the student to purchase must be approved by the Department Chair.
7. New editions of textbooks should be adopted for the first term that the textbook is reasonably available.

#### **POLICY 6.12: FACULTY GRADE REPORTING**

All faculty must adhere to the published process and deadline for reporting of mid-term and final grades. Graduating students and ECP graduates final grades will be due by noon following the last day of exams each semester. Final declaration of meeting graduation requirements and grade processing cannot be completed until all grades are recorded.

#### **POLICY 6.13: WITHDRAWAL POLICY**

After the Drop/Add period (the first week of class) and through the date specified on the academic calendar, a cadet may withdraw from individual courses. While enrolled, however, a

cadet must at all times maintain a full class load (12 credit hours). Audited courses and courses from which a student withdraws are subject to the same fees as regular courses. Cadets may withdraw from the all classes through the last day of class, as published in the academic calendar. At the point of withdrawal, the cadet will receive a grade of W for the individual course or all courses, as appropriate.

Pell Grant recipients who completely withdraw before completing 60% or more of the term will be subject to the return of Title IV funds based on federally approved calculation. Students receiving any type of financial assistance should be encouraged to speak with financial assistance personnel before withdrawing.

#### **POLICY 6.14: FINAL EXAMINATIONS**

Final examinations must be given according to the examination schedule. Any exceptions to this policy must be approved by the Academic Dean. Any change in the student's individual final exam schedule will be approved only in the event of severely extenuating circumstances.

#### **POLICY 6.15: CLASS ATTENDANCE POLICY**

Cadets are expected to attend every class meeting. Attendance is considered a contract with obligated appointments and specific expectations of attendance. In the event that a cadet must miss class due to a school-sponsored activity, the cadet is advised to meet with the instructor prior to the absence to arrange completion of missed work. Regardless, the cadet is responsible for all work as noted on the course syllabus. Cadets who are authorized for bed rest are, like those on school-sponsored activities, still responsible for making up work and for adhering to the assignments per the course syllabus.

If a cadet reaches the point of having 4 or more unexcused absences in a course, the cadet is subject to being administratively withdrawn from the course and receiving a grade of "F" for the course. Nonattendance does not constitute a withdrawal from class or from the College. Marion Military Institute has procedures in place that must be followed in the event that a student must leave the College during the semester. Ceasing to attend and not following these procedures will result in a grade of "F" for each of the cadet's courses.



## **POLICY 6.16: GRADING SYSTEM, GRADE CHANGES, AND APPEAL OF COURSE GRADE GRADING SYSTEM**

A grade is awarded in each credit course. The grade is based on the student's demonstrated proficiency as determined by the faculty member teaching the course. The following grading system is in place at Marion Military Institute.

<u>Grade</u>	<u>Description</u>	<u>Quality Points</u>
A	Excellent	4
B	Good	3
C	Average	2
D	Poor	1
F	Failure	0

Other marks which may appear on the grade report or transcript are as follows.

I – Incomplete. An incomplete grade is used only for students who cannot complete coursework because of extreme hardship and extenuating circumstances. The incomplete grade, before being assigned, must be approved by the Chief Instructional Officer. The work that must be made up in order for the incomplete to be converted to a regular grade must be completed, and the new grade assigned, no later than the end of the following semester, excluding summer. Failing to meet this deadline will result in the assigning of the grade of "F".

The incomplete grade indicates that the student was passing the course at the end of the semester but was unable to complete the course due to extenuating circumstances. The assignment of the "I" grade may be awarded after consultation between the student and the instructor, and after the instructor's consultation with the Department Chair and the Chief Instructional Officer. If it is determined that an incomplete should be assigned, the instructor will complete the Incomplete Grade Form (Appendix H). Along with approving signatures, the form must include a description of the work to be completed and the date for completion. The date for completion may not exceed the published last day of class for the following semester, excluding summer. A course with a grade of "I" will not count as enrolled hours in the subsequent term.

AU – Audit. An audit indicates that the student is enrolled in the course, but will not be receiving a grade or credit for the course. An audit must be declared by the end of the add/drop period (first five days of class) and may not be changed thereafter. Credit hours for an audit will not be averaged into the grade point average.

W – Withdrawal. The grade of “W” indicates an official withdrawal from an individual course within the designated time period or complete withdrawal from the College before the close of business on the last day of class for the semester.

### **Grade Changes**

If an error has been made in entering a midterm or final grade, an instructor must alert the Registrar immediately and complete a Grade Change Form. This form can be found in the Registrar’s office and needs to be signed by the Department Head and Chief Instructional Officer. This process must be completed within two weeks of the deadline of submission of either midterm or final grades.

### **Final Grade Appeal Procedure**

When a cadet believes there are circumstances that warrant the appeal of the final grade received in a course, the student may appeal the grade. The appeal process must begin within 15 calendar days of the beginning of the subsequent semester.

#### Grounds for Appeal

- Errors of omission. The cadet contends that a certain test, homework, or class project was submitted at the designated time but not graded.
- Errors in averaging. The cadet contends that an error occurred in the mathematical calculations of graded material.
- Errors in course practices. The cadet contends that there was significant disparity between the course syllabus and the manner in which the course was conducted.

#### Procedures for Appeal

1. The cadet must consult with the instructor of the class to ensure that no calculation or administrative error has occurred.
2. If no satisfactory agreement is reached with the instructor, the cadet may submit a written appeal to the appropriate Department Chairperson. The Chairperson will investigate the appeal, render a decision, and submit a written report of the findings to the student, instructor, and the Chief Instructional Officer.

3. If the appeal is denied by the Department Chairperson, the cadet may forward the written appeal to the Chief Instructional Officer. The Chief Instructional Officer will review the appeal, render a decision, and submit a written report of the findings to the Cadet.
4. If the cadet is not in agreement with the decision of the Chief Instructional Officer, he or she may request a hearing before an Appeals Committee. The committee members will review the appeal to ensure that it meets one of the three allowable grounds for appeal and explains how it meets the grounds for appeal. If the committee determines that the appeal has merit for further investigation, a hearing will be scheduled.
5. The Appeals Committee will forward a recommendation to the Chief Instructional Officer, who will review the subcommittee's recommendation.
6. The Chief Instructional Officer will issue a written opinion relative to the subcommittee's report and forward the opinion to the President.
7. The President's decision will be final.

#### **POLICY 6.17: INDEPENDENT STUDY**

Independent study courses are offered when a documented need exists for students to meet their program requirements. Instructors must complete an Independent Study Request form (Appendix I) documenting how students will receive the required hours of instruction and attach a current course syllabus. The request form must be signed by the appropriate Department Chair and the Chief Instructional Officer.

#### **POLICY 6.18: CURRICULUM CHANGES**

Should a change in curriculum be recommended, the procedure for submitting a Curriculum Revision Proposal is as follows:

1. Based on curricular need, relevance to the College's mission, or both, a new program or course is proposed by a faculty member to his/her department chair.
2. If the department chair approves the proposal based on the criteria in (1), he/she will propose the new program or course to the Chief Instructional Officer (Academic Dean).

3. The Chief Instructional Officer reviews the proposal and, if approved based on the criteria in (1), asks the appropriate department chair to complete a Curriculum Revision Proposal form for review by the Chief Academic Officer, who, using the same criteria, can then recommend inclusion on the agenda of a subsequent Academic Council meeting.
4. If approved by the Council using the criteria in (1), the Chief Instructional Officer will submit the proposed change to the appropriate outside agencies. For new courses, the proposed change is sent to the Alabama Community College Systems Board of Trustees for inclusion in the Course Directory (Alabama Community College System Board of Trustees Policy 717.01) and to the AGSC/STARS Committee for review and approval for inclusion in the state transfer system. For new programs, the College must submit the program to the Alabama Community College System Board of Trustees for approval, per the process described in Alabama Community College System Board of Trustees Policy 702.01, Requests for New Instructional Programs, and Alabama Community College System Board of Trustees Policy Guidelines 702.01. Any request for a new program will also be forwarded to the Alabama Commission on Higher Education (ACHE) for approval by that body, as well as the Alabama Community College System Board of Trustees.
5. When approved, the College may then include the new course in the curriculum and the new program as part of the College's academic program offerings.

#### **POLICY 6.19: MAINTENANCE REQUESTS**

Faculty requests for repairs should be submitted to the Chief Instructional Officer who will forward to the Department of Facilities and Maintenance.

Departmental maintenance requests should be submitted through email to [maintenance@marionmilitary.edu](mailto:maintenance@marionmilitary.edu) .

#### **POLICY 6.20: EMERGENCY CLASS DISMISSAL**

When, in the opinion of the President or the person designated as acting in the absence of the President, inclement weather or other emergency situations create a hazard for faculty and students, the President or his/her designee will deem that the College will be closed.

Announcements of the closing will be placed on the website, and supervisors will be notified.

## **POLICY 6.21: ACADEMIC INTEGRITY**

Because academic integrity is a cornerstone of MMI's commitment to the principles of leadership and character development, faculty members are responsible for ensuring that cadets uphold professional standards of research, writing, assessment, and ethics in their areas of study. Academic misconduct can generally be defined as all acts of dishonesty in an academic or related matter. Academic misconduct includes, but is not limited to, the following categories of behavior:

- b. Cheating: use or attempted use of unauthorized materials, information, study aids, the answers of others, or computer related information.
- c. Plagiarism: claiming as one's own the ideas, words, data, computer programs, creative compositions, artwork, etc., done by someone else. Examples include improper citation of referenced works, use of commercially available scholarly papers, failure to cite sources, or copying another's ideas.
- d. Fabrication: presenting as genuine falsified data, citations, or quotations.
- e. Abetting: helping another student commit an act of academic dishonesty. Allowing a fellow student to copy quiz/examination answers or use one's work as his/her own are examples of abetting.
- f. Misrepresentation: falsification, alteration, or misstatement of the contents of documents, academic works, or other materials related to academic matters, including works substantially done for one class as work done for another without receiving prior approval from the instructor.

In the event of suspected academic misconduct, the following procedure will be followed:

A student may appeal an instructor's decision in a written request to his/her department chair, who will then ask the Chief Instructional Officer to assemble the Appeals Committee, a standing committee composed of MMI faculty and staff. If the student's instructor, who has initiated the case, is a member of the committee, the Dean will ask another faculty member to serve in the instructor's place for that particular appeal. The student may be accompanied at the meeting by his/her faculty advisor or TAC officer or a faculty member of his or her choice. The decision of the Appeals Committee is final.

The process described above addresses the academic consequences of academic dishonesty. When necessary, these cases will be reported to the MMI Honor Council, who may choose to review the incident further as an honor offense.

The following is a list of penalties that may be imposed upon any student found guilty of academic misconduct:

1. Requirement to submit additional work or take additional examinations.
2. A lower or failing grade on the assignment or examination.
3. A lower or failing grade in the course.
4. Removal from class.

For more detailed definitions of the various kinds of academic misconduct, please see the Academic Catalog.

## **POLICY 6.22: BEHAVIORAL INTERVENTION TEAM (BIT)**

### **I. Introduction and Objective**

#### **A. Overview**

Marion Military Institute is committed to providing a safe and secure working and learning environment. Violence, threats of violence, and behaviors that are disruptive to institutional activities are inconsistent with this objective and are unacceptable. This Policy provides a procedure and mechanism by which violence, threats of violence, and behaviors that are disruptive to institutional activities may be reported, evaluated, and addressed.

#### **B. Who Is Covered by This Policy**

This Policy shall apply to all MMI Cadets, faculty, staff, and visitors to the campus and to activities and events occurring on all College-owned and/or controlled property, buildings, facilities, etc. and to activities and events, regardless of the location, sponsored by the College or by a College recognized organization. This Policy does not provide for the adjudication of misconduct by, discipline of, imposition of sanctions on employees or Cadets. Such actions may,

however, be taken against individuals whose behavior is addressed under this Policy pursuant to the College's regular employee or Cadet disciplinary policies and procedures.

### **C. Related Policies and Resources**

Marion Military Institute Catalog and Cadet Manual – <http://marionmilitary.edu//.....>

### **D. BIT Members**

The Marion Military Institute Behavioral Intervention Team (BIT), consists of:

- Commandant of Cadets (Chair)
- Chief, MMI Police Department
- Director of Counselling Services
- Assistant Commandant for Wellness (Co-Chair)
- Chief Academic Officer (or designated representative)
- Other faculty and staff representatives as deemed necessary on a case-by-case basis.

The BIT Team shall interpret this policy and modify it as necessary to meet the changing needs of the College. Please direct policy questions to the Commandant of Cadets.

### **E. Classifying Threat and Risk Assessments**

**Threat:** A stated intention to inflict injury, damage, or hostile action on someone whether the intention is expressly stated or implied, whether the intention is expressly stated or implied, whether the person communicating the threat has the ability to carry out the threat, whether the threat is made on a present, future, or conditional basis, or whether the threat is made in person, through another person, in writing, over the phone, in the mail, electronically, or by any other means.

**Threat Management Plan:** An active, individualized case management plan based on information gathered in an investigation and on other facts known about the subject(s). It is intended to help de-escalate, contain, or if possible, control a subject who has either exhibited “extreme risk behavior” or “elevated risk behavior” as defined below; to decrease the vulnerabilities of possible targets of such behaviors; to discourage escalation of the circumstances; and to prepare for and mitigate against precipitation events that may trigger such behaviors.

**Active Monitoring Plan:** An active, individualized case monitoring plan based on information gathered in an investigation and on other facts known about the subject(s). It is intended to facilitate the monitoring of a subject who has exhibited either “moderate risk behavior” or “mild risk behavior” as defined below and to provide for periodic re-assessment of a subject’s behavior and corresponding potential threat level. Active monitoring may also be used as follow-on to a threat management plan to ensure that extreme and/or high-risk behavior is effectively managed.

**Extreme Risk Behavior:** Behavior that appears to pose a clear and immediate threat of violence or self-harm and requires immediate containment. It requires law enforcement, target protection, and development of a threat management plan. It includes, but is not limited to:

- Possession of unauthorized weapons (guns, knives, etc.) on campus;
- Possession of bombs or bomb-making materials;
- Specific threats to inflict harm to self and/or a named individual (e.g., a threat to shoot a named individual).

**Elevated Risk Behavior:** Behavior that appears to pose a present threat of violence or self-harm, but lacks immediacy. It requires development of a threat management plan. It includes, but is not limited to:

- Physical, drug-related, or psychiatric disorders that may pose a potential harm to the physical well-being of the individual or others;
- Talk of suicide or self-inflicted injury;
- Physical actions short of actual contact/injury (i.e., moving closer aggressively, waving arms or fists, yelling in an aggressive or threatening manner).

**Moderate Risk Behavior:** Behavior that does not appear to pose a present threat of violence or self-harm but does involve a significant risk of disruption to the College’s educational and administrative activities. It requires referral and development of an active monitoring plan. It includes, but is not limited to:

- General, specific, or implicit threats, whether or not made in a “joking” manner (i.e., “you better watch your back,” “I’ll get you,” or “you’ll be sorry”), including the use of any electronic means of communication;
- Stalking behavior; and
- Vague statements regarding suicide or self-inflicted injury, violent thoughts or violent intentions.



**Mild Risk Behavior:** Behavior that, while it does not appear to pose a present threat of violence or self-harm nor a significant risk of disruption, does provide the basis for a reasonable concern that a threat of violent or self-harm or significant risk of disruption may develop. It is to be reviewed periodically to determine whether the subject individual's conduct has escalated to the level of "moderate risk." It includes, but is not limited to:

- Writing stories, poems, or essays or producing images that express or otherwise indicate a potentially dangerous fascination or preoccupation with violence to self or to others;
- Displaying a radical change in personal behavior, academic or workplace performance, appearance, or conduct.

**No Identified Risk:** Behavior which does not appear to pose a threat of violence or self-harm at this time, nor is significant disruption to the community expected. Close case after proper documentation.

**Employee:** Any full- or part-time employee of the College, including, but not limited to: faculty, adjunct faculty, Cadet workers, and contract employees.

**Cadet:** Any individual enrolled at the College and currently taking courses on a full- or part-time basis. An individual's status as a Cadet who shall be deemed to encompass all activities carried out in connection with his/her application for admission to the College.

**Visitor:** Any non-employee or non-Cadet present on the College campus or at any College controlled location for any purpose, professional or private. This includes both invited and uninvited guests.

**Workplace/Education Setting:** Any location, either permanent or temporary where faculty, staff, or Cadet perform any work-related duty or are involved in educational activities and/or College sanctioned events. This includes, but is not limited to campus buildings and the surrounding perimeters, including the parking lots, field locations, Cadet housing, and alternate work locations.

## **II. Roles and Responsibilities**

### **A. Behavioral Intervention Team (BIT)**

- 1. Mission and Objectives:** This policy establishes a BIT as a mechanism to assess campus violence, threats of violence, and risks of disruption and to respond to such violence, threats,

and/or risks as appropriate, regardless of the College location, educational activities, and/or College sanctioned events. The BIT's mission is to provide a proactive, coordinated, and planned approach to the identification, assessment, management, and, where possible, reduction and/or prevention of behavior that falls into the extreme risk, high risk, moderate risk, and low risk classification defined above. Key objectives for the team include:

- Providing a repository for information about behavioral concerns across different campus sites so as to identify persons in distress as early as possible;
- Facilitating timely communication among different campus sites about individual behavior concerns;
- Investigating or gathering information about individuals of concern including individuals outside of the College community;
- Assessing the information so that the BIT can devise an appropriate response;
- Recommending interventions, threat management plans, active monitoring plans, and other case management strategies that connect individuals of concern with needed resources;
- Recommending plans for reintegrating a subject once initial actions are complete and the threat eliminated;
- Assisting with the education of the campus community about the types of behavior or concerns that they should report to the BIT members;
- Developing policy recommendations based on an evaluation of data on individual behavior dealt with by the BIT.

**2. Membership:** The Team shall consist of:

- Commandant of Cadets (Chair)
- Chief, MMI Police Department
- Director of Counselling Services
- Assistant Commandant for Wellness (Co-Chair)
- Chief Academic Officer (or designated representative)
- Other faculty and staff representatives as deemed necessary on a case-by-case basis.

**3. General Principles**

The BIT will use a case-management based approach to respond to reports of Cadets, faculty, and staff having difficulties and/or demonstrating concerning behaviors. The BIT shall guide the

process from internal assessment to planning interventions with the objective of reducing the risk. This includes the development of a recommended plan for reintegration of the subject once initial actions are complete and the threat eliminated.

The BIT will utilize available resources and additional members as appropriate to assist it in gathering information about a Cadet, employee, visitors, or other college community member exhibiting behavioral concerns. The BIT may consult with other appropriate staff and/or mental health experts in carrying out its assessment function. It is recognized that multi-disciplinary consultation is a critical part of the threat assessment protocol.

The BIT Chair and Co-Chair shall be the custodians of BIT records, both electronic and hardcopy.

As indicated in this Policy, the BIT does not prescribe discipline or treatment. It is limited to addressing reported behaviors involving violence, threats of violence, or risks of disruption by gathering information, making assessments, and providing recommendations.

#### **4. Process:**

- **Report of Concern:** The BIT may receive written or verbal reports about behaviors of concern from any member of the campus community, including its own members. A verbal report, when needed depending on the situation, should be followed by a written report. Situations involving extreme risk behaviors should be immediately reported by the BIT and to the College Police Department.
- **Inquiry/Investigation:** Upon receiving a report, the BIT will focus upon determining whether or not the individual of concern poses, based on past and/or present behavior, a threat of violence or risk of disruption. The BIT may gather information and facts from all available sources. It shall be granted access, as appropriate, to a Cadet's record, including his/her disciplinary record, and to an employee's employment record. It may contact individuals with information about reported incidents or actions involving the individual of concern, as well as others (faculty, staff, Cadets, local authorities, medical professionals, parents and family members, acquaintances, and other individuals who may know the individual or have pertinent knowledge). These inquiries may be made by designated members of the BIT individually or may be carried out by the BIT acting as a convened group, such as by interviews conducted by the BIT when convened.

- **Assessment and Development of Plan:** Based on information gathered by the BIT, it shall make a risk assessment of the subject individual's reported behavior and classify such behavior as "extreme risk," "high risk," "moderate risk," "low risk," or "no risk." The BIT shall then develop a Plan, as and if required by this Policy, for the risk classification that it has identified. The BIT shall complete a risk assessment and develop a plan regardless of the outcome of any criminal proceedings initiated by law enforcement authorities and/or any disciplinary proceedings initiated by the College.
- **Referral/Recommendation:** The BIT may make referrals or recommendations, as follows:
  - Make recommendations to appropriate College personnel that may include actions, including the initiation of disciplinary action, provided for in the College Catalog, Cadet Manual, the College Policy Manual and /or the Employee Handbook. Recommendations will also be conveyed to the pertinent administrative unit in each case.
  - Recommend that the subject faculty or staff employee or Cadet be referred for professional counseling.
  - Make recommendation(s) for the filing of criminal charges.
  - Make recommendations for other actions as deemed appropriate.
- **Conclusion:** Once the BIT has determined that the individual of concern does not pose or no longer poses a threat of violence or risk of significant disruption, the matter will be considered closed for purposes of this Policy. Involved parties may be informed when a situation is concluded. Reports regarding the disposition of the incident will be conveyed to the affected reporting individual(s), whenever possible and allowed by law.
  - A Cadet of concern may continue to be followed-up by the Commandant of Cadets, College Counselor, Cadet Health Clinic, Director of Campus Safety and Security.
  - An employee of concern may continue to be followed-up by his/her supervisor, Human Resources, the Senior VP or the President.
- **Action by Other Officials:** The closing of a matter by the BIT is completely independent of, and shall have no effect upon:
  - For any individual of concern: the initiation or continuation of a law enforcement investigation into the individual's conduct by campus or local

law enforcement authorities and/or the institution of criminal proceedings against such individual.

- For a Cadet of concern: referral for counseling, the initiation of Cadet disciplinary proceedings, or other appropriate action by the Commandant of Cadets.
- For an employee of concern: referral for counseling, the imposition of disciplinary sanctions or the initiation of disciplinary proceedings, or other appropriate action by the employee's supervisor or other authorized officials.

It is anticipated that conduct violating College policy or rules or federal, state, or local law will be addressed by institutional or civil/criminal proceedings initiated by those officials with the enforcement responsibility for such policy, rules, or law.

**5. Meetings:** The Chair of the BIT shall call an emergency meeting as soon as is practicable upon receipt of a report of conduct that may fall into the "extreme risk" or "elevated risk" behavior classifications. The BIT shall ordinarily meet within 72 hours of receipt of an initial report regarding conduct that appears to fall into the "moderate risk" behavior classification, and it shall meet within a reasonable time under all the circumstances with respect to conduct that falls into the "mild risk" behavior classification. As long as there are active cases being addressed under a Threat Management Plan or an Active Monitoring Plan, the BIT shall meet as called by the Chair. In the absence of any active cases, the BIT shall be convened as called by the Chair to review relevant topics in the area of threat assessment, behavioral statistics, resource availability, etc. Other topics, such as campus policies, state and federal law and regulations, ethical issues, and confidentiality concerns may also be scheduled for discussion and review.

**6. Report:** A summary report shall be submitted to the President at the end of each meeting.

## **B. College Community**

Each member of the College community has a role and responsibility in helping promote a safe and secure environment for the College. All persons are strongly encouraged to be aware of their surroundings and to be alert for behavior that may present a threat of violence or risk of disruption. Cadets, faculty, and staff should be familiar with this Policy and with the mechanisms for reporting actual or potential threats to the College community.

**Duty to Report:** Members of the College community (Cadets, faculty, and staff) are encouraged to immediately report any situation that involves behavior by a Cadet, employee, or campus visitor, behavior that is or may be threatening to the health and safety of the individual or of others, or behavior that is or may be disruptive to the College's educational and administrative activities. Any member of the College community who becomes aware of such a situation should report the matter to the appropriate college personnel, the BIT, and/or the MMI Police Department as appropriate to the observed behavior). Faculty, staff, and Cadets, who in good faith make such reports, shall not be subjected to retaliation or harassment by the College or any of its officials. The making of a false or misleading report under this Policy, with knowledge of or reckless indifference as to the falsity of the matters reported, shall be considered misconduct and may result in disciplinary action under the College's Cadet and/or employee disciplinary procedures.

### **C. Potentially At-Risk Cadets and Employees**

Some employees can be at risk for violence/hostility because of the nature of their jobs. Other employees or Cadets can be at risk because they are subject to violence, threats, or harassment from a current or former spouse or partner, or other third party. The MMI Police Department, Human Resources, Cadet Services, Counselor, and other offices will work with at-risk Cadets and employees and their supervisors, to develop safety plans that address the specific risks they face.

**Domestic/Partnered Violence in the College Environment:** In an effort to promote a safer work environment, employees who are the victims of domestic violence or who believe they may be the targets or victims of such violence, should promptly notify their supervisor, an appropriate administrator, Human Resources, the BIT, or The MMI Police Department.

Likewise, to promote a safer educational setting, Cadets who are victims of domestic violence or who believe they may be targets of such violence, are encouraged to promptly notify the appropriate administrator (to include, but not limited to, the Commandant's Staff (TAC, Cadet Services, etc.), the BIT, or MMI Police Department).

Faculty, staff, and Cadets who have Protective Orders should provide copies to the MMI Police Department so that this office can:

- Ensure appropriate law enforcement actions occur; and
- Assist in maintaining the safety of potential victims.

Examples of Protective Orders may include:

- Any order issued by a court that is intended to prevent one party from approaching another, often within a specified distance; **or**
- Any order issued by a court that is meant to protect a person from harm or harassment. Confidentiality will be maintained to the maximum extent allowed by law.

### **III. Reporting Threats and Violence**

#### **A. Extreme Risk Behavior**

A situation possibly involving “extreme risk” should be considered an emergency and should be immediately reported to College Police Department. This department may be reached as follows:

- **ext. 245, 318, 306** from a campus phone;
- **334-292-9690 from a cellular or off-campus phone;**
- **911** from any phone in case of a true emergency or immediate harm.

Examples of extreme risk, emergency situations include, but are not limited to the following:

- Possession of unauthorized weapons (guns, knives, etc.) on campus, especially in buildings;
- Possession of bombs or bomb-making materials;
- Physical assault or attempted assault, with or without weapons;
- Specific threats to inflict harm to self and/or a named individual (e.g., a threat to shoot a named individual).

#### **B. Elevated, Moderate, and Mild Risk Behavior**

Any situations involving a threat of violence or a risk of disruption that is clearly not within the "extreme risk behavior" classification should be reported pursuant to this section.

**A report of concern about a Cadet or employee whose conduct may present a threat of violence or a risk of disruption may be made to Campus Police, and then any member of the BIT. Contact information is as follows:**

- bit@MMI.edu;
- **ext. 306, 318, or 245**
- **(334) 292-9690 from a cellular or off-campus phone;**
- <http://portal.MMI.edu/comm/BIT/default.aspx>

Examples of conduct that fall under the reporting duty for "non-emergency situations" include the following:

- A radical change in a person's behavior, academic or workplace performance, appearance, or conduct;
- Aggressive or irrational behavior through words and/or actions;
- Severe depression, unhappiness, or irregular emotional behavior;
- Inability to control anger, confrontational or disturbing words or actions;
- Unusual overreaction to normal circumstances;
- Damage to property;
- Unusual nervousness, tension, or anxiety;
- Expression of suicidal thoughts, feelings, or acts;
- Any other action word, or behavior that one may reasonably believe could lead to violence;
- Threatening statements, displays, photos, or other publications in electronic format or communication;
- Other examples as found in risk definitions above (see Section I.E).

### **C. Confidentiality**

**All reports will be handled in a confidential manner whenever possible.** The BIT will take reasonable steps to maintain the privacy of those who make a referral, if requested. If the circumstances do not allow privacy to be maintained, this will be discussed with the person making the referral. Information will be released on a need-to-know basis within the College community and in accordance with local, state, and federal laws and College policies. College administrators will be sensitive and responsive to the potential for reprisal directed at employees or Cadets who report behavior within the scope of this Policy.

## **IV. Education and Training**

### **A. College Community**



For this program to be effective, it is important for the College community to be aware of this Policy and the BIT, the kinds of behaviors encompassed within this Policy, the importance of reporting such behaviors, how to contact members of the BIT with concerns or comments. The BIT will provide campus-wide informational meetings that will be incorporated into faculty and staff professional development workshops, new employee and Cadet orientation sessions, and regularly scheduled safety programs presented by College Police Department and other campus health and safety organizations. In addition, the BIT will provide an overview of the program, listing of BIT members, and reporting guidance and instructions by way of the College Website, and other modes of communication it deems appropriate.

Training for Cadets, faculty, and staff shall consist of, but is not limited to, the following:

- Informational Opportunities: Five-minute presentations, brochure distribution, emails to all Cadets and employees, and Webpage development addressing the following:
  - What is the BIT and what is its mission;
  - What characteristics to look for in persons of concern The Commandant's Office is responsible to provide training for supervisors and managers and similar training for other staff as appropriate.

## **B. BIT Members**

It is expected that the BIT members (Section II.) will participate in threat assessment training and professional development opportunities, and will be familiar with laws, regulations, and College policies applicable to the scope of the BIT's mission.

## **C. Family Educational Rights and Privacy Act (FERPA)**

FERPA protects Cadet education records and information in them from disclosure, subject to certain recognized exceptions. One such exception allows a College official to make disclosure when an emergency exists and disclosure is necessary to protect the health or safety of the Cadet or other individuals. The determination of whether or not "necessity" exists requires a consideration of the seriousness of the health or safety threat, the extent of the urgency in time, the need for the information, and the ability of the recipient of the information to deal with the emergency. The Dean of Business Affairs or

the Commandant of Cadets may provide assistance in making this determination. In addition, it is important to understand that a faculty or staff member's observations of a Cadet's behavior are not within the scope of FERPA. For example, if a faculty or staff member sees a Cadet exhibiting threatening behavior, the faculty or staff member may contact an appropriate College official for guidance on how to respond. In such a situation, an appropriate official might include the Commandant or Deputy Commandant of Cadets, the Assistant Commandant for Cadet Wellness, Human Resources or the employee's supervisor. Disclosure of confidential Cadet information to parents should only be made when consistent with FERPA and then only by the Commandant of Cadets. The release of information about Cadets to the media should only be made by the College's Public Information Officer in consultation with HR.

## **V. Policy Maintenance**

### **Annual Review of Policy and Procedures**

This Policy and the procedures contained within it shall be reviewed and updated annually or more frequently if organizational or situational changes warrant. The BIT is responsible for conducting all reviews and updates. The President has final approving authority for all Policy changes

### **POLICY 6.23: EXPRESSIVE ACTIVITIES BY THE CAMPUS COMMUNITY**

In accordance with ACT 2019-396 and the ACCS Board of Trustee's Policy 224.01: Expressive Activities by the Campus Community, dated December 9, 2020, MMI's implementing policy on Expressive Activities by the Campus Community follows.

#### **A. Findings**

- A primary function of Marion Military Institute is the discovery, improvement, transmission, and dissemination of knowledge by means of research, teaching, discussion, and debate, and that to fulfill that function, the College will strive to ensure the fullest degree possible of intellectual freedom and free expression.
- It is not the role of the College to shield individuals from speech protected by the First Amendment to the United States Constitution and Article I, Section 4 of the Constitution

of the State of Alabama of 1901, including without limitation, ideas and opinions they find unwelcome, disagreeable, or offensive.

- Students, administrators, faculty, and staff are free to take positions on public controversies and to engage in protected expressive activity in outdoor areas of the campus, and to spontaneously and contemporaneously assemble, speak, and distribute literature.
- MMI supports free association and shall not deny a student organization any benefit or privilege available to any other organization based on the expression of the organization, including any requirement of the organization that the leaders or members of the organization affirm and adhere to an organization's sincerely held beliefs or statement of principles, comply with the organization's standard of conduct, or further the organization's mission or purpose, as defined by the student organization.
- MMI shall strive to remain neutral, as an institution, on the public policy controversies of the day, except for administrative decisions that are essential to the day-to-day functioning of the College, and MMI will not require students, faculty, or staff to publicly express a given view of a public controversy.
- MMI prohibits all forms of harassment as defined in Act 2019-396, which includes expression so severe, pervasive, and objectively offensive that it effectively denies access to an educational opportunity or benefit provided by the College.

## **B. Speech and Expression in Outdoor Areas**

1. For purposes of this policy, the Campus Community includes MMI's cadets, administrators, faculty, and staff as well as the invited guests of the College and the College's recognized cadet organizations (including organizations seeking recognition), administrators, faculty and staff.
2. Members of the Campus Community shall be permitted to engage in expressive activities in outdoor areas of MMI's campus which enjoy general access during regular hours of College operation, subject to the limitations described below. Expressive activities are defined as those activities protected under the First Amendment to the United States Constitution and Article 1, Section 4 of the Alabaman Constitution of 1901, including any lawful verbal, written or electronic communication of ideas; lawful forms of peaceful

assembly, protests, and speeches; distributing literature; carrying signs; and circulating petitions.

3. Outdoor areas where expressive activities are not allowed include:
  - a. Areas within 200 feet of any barracks (dormitories), classrooms, dining facility, to include the quad and the Honor Ground, or athletic facilities, or areas which are currently being used as outdoor instructional spaces.
  - b. Areas where general access is restricted due to operational or safety protocols, such as energy or maintenance control areas.
4. Except for para 6 below, this policy does not apply to expressive activities that take place in indoor areas of MMI's property including, but not limited to, classrooms or classroom buildings or offices; auditoriums; performing arts venues; events centers; and recreational facilities. Expressive activities in these areas are governed by MMI policies related to academic freedom, facilities use, and other applicable policies and protocols, subject to the requirement that MMI must be open to any speaker whom MMI's student organizations or faculty have invited. These areas may be used for official events sponsored by the College or for non-college use under ACCS Board of Trustees Policies 500.01 and 507.01.
5. Members of the Campus Community who engage in expressive activities in permitted outdoor areas may do so freely, spontaneously, and contemporaneously as long as the conduct is lawful, in accordance with laws applicable to conduct and activities on MMI property, and does not materially and substantially disrupt the functioning of the College or infringe upon the rights of others to engage in expressive activities.
6. Conduct that may materially and substantially disrupt the functioning of the College or infringe upon the rights of others to engage in expressive activities may include:
  - a. Obstruction of vehicular, bicycle, pedestrian, or other traffic.
  - b. Obstruction of entrances or exits to buildings or driveways or impeding entry or exit from any building or parking lot or vehicular path.
  - c. Violations of a state, federal or local law, regulation, or ordinance.
  - d. Threats to passersby or the use of fighting words, which are words that by their mere utterance inflict violence or would tend to incite a reasonable person to violence or other breach of the peace.

- e. Following, badgering, or forcibly detaining individuals.
  - f. Interference with scheduled College classes, ceremonies or events, including memorials, dedications or classroom activities, whether indoors or outdoors.
  - g. Damage to property, including buildings, benches, sidewalks, fixtures, grass, shrubs, trees, flowers, or other landscaping.
  - h. Use of sound amplification, including bullhorns, except within reasonable limits that will not disrupt normal College operations.
  - i. Use of placards, banners, or signs that are dangerous or cause obstruction as described in subsections a & b above.
  - j. Engaging in expressive activities in prohibited or restricted areas as defined in Sections 3 and 4 above.
  - k. Any other interference with normal College operations beyond a minor, brief, or fleeting nonviolent disruption that is isolated or brief in duration.
  - l. Any other conduct or activity not protected by the First Amendment to the United States Constitution and Article I, Section 4 of the Alabama Constitution, or other state law.
7. Nothing herein shall be construed to limit the application of laws related to disruptions, disturbances, or interference with the College and the function of educational institutions.
8. **Fees.** MMI may employ police and security officers and use other security measures to ensure the safety of all participants, the Campus Community, and the public. Nothing in this policy shall prohibit the College from charging a fee for security for events, provided that such fees may not be calculated or otherwise based on the content of the protected expressive activity or the anticipated reaction to the protected expressive activity.

Events of 100 persons or less may be assessed up to \$1000.00

Events exceeding 100 persons may be assessed up to \$5000.00

*The exact amount charged will be based on the estimate for personnel and materials required given the location and time of the event. A deposit will be required in advance of the event.*

The President may waive this security fee, but may not base the decision on the basis of the content of the expressive activity or the anticipated reaction to the protected expressive activity, except in emergency situations in which there is a clear and present danger to the campus community or to the public.

Additional fees. MMI may also charge activities for the use of campus facilities, such as for the use of IT resources or cleanup costs. These fees will not be based on the content of the activity.

9. **Advance Notice.** To promote a safe and effective event, individuals or groups from the Campus Community planning to engage in expressive activity that they anticipate will require the assistance of security should provide sufficient notice to the Senior Vice President at least one week in advance of the event. Such arrangements enable MMI to ensure the event takes place in a safe and constructive manner.
10. Individuals and groups who engage in expressive activity in outdoor areas on MMI property are subject to MMI policies relating to the use and operation of MMI facilities, including without limitation policies relating to firearms and weapons, alcohol, smoking, and trespass. MMI prohibits the possession or use of clubs, bats, weapons, open flames, or other dangerous materials on campus property during these events.
11. MMI shall not permit members of the Campus Community to engage in conduct that materially and substantially disrupts protected expressive activity or infringes on the right to engage in expressive activity. Any act of reprisal, interference, coercion, or restraint, by a student or employee, of protected expressive activity, violates this policy and will result in appropriate disciplinary action. Disciplinary sanctions for members of the Campus Community under the jurisdiction of MMI who violate this subsection shall be handled through existing processes provided for under law and MMI policy.
12. Nothing in this policy shall be construed to prevent MMI from regulating and restricting expressive activity that is not protected by the United States Constitution, the Constitution of Alabama of 1901, or state law, including, but not limited to, any of the following:
  - a. Violations of state or federal law, including, but not limited to, actions that damage institutional property.
  - b. Expression that a court has deemed unprotected defamation.
  - c. Harassment.
  - d. True threats, which are defined as statements meant by the speaker to communicate a serious expression of an intent to commit an act of unlawful violence to a particular individual or group of individuals.

- e. An unjustifiable invasion of privacy or confidentiality not involving a matter of public concern.
- f. Any constitutional time, place, and manner restrictions for outdoor areas of campus when they are narrowly tailored to serve a significant institutional interest and when the restrictions employ clear, published, content-neutral, and viewpoint-neutral criteria, and provide for ample alternative mean of expression.

13. Complaints or questions regarding the application of this policy should be addressed by use of the ordinary complaint process for students, faculty, and staff.

### **C. Commercial Activity on Campus**

Individuals, organizations and groups, both internal and external to MMI, may not conduct commercial transactions or engage in commercial speech on MMI property unless authorized pursuant to ACCS Board of Trustees Policy 515.01 and approved by the President in advance. Requests can be made through the Senior Vice President no sooner than one-week prior to the requested date.

Commercial speech means speech in which the speaker is engaged in commerce, the intended audience is commercial or actual or potential consumers, and the content of the message is commercial.

*Fundraising, including political fundraising, is considered solicitation and therefore deemed commercial speech under this policy.*

### **D. Policy Distribution**

This policy will be included in new student, new faculty, and new staff orientation programs. MMI shall disseminate this policy to all members of the Campus Community and make this policy available in handbooks and our website.

### **E. Inconsistent Policies**

This policy shall supersede and nullify any previous MMI policies that could restrict speech on MMI's campus. However, this policy is not intended to supersede, nullify, or amend any MMI policy that regulates the reservations and use of interior spaces on MMI's campus, or that charge incidental fees for the use of such spaces.

## **F. Reports**

MMI's President will submit an annual report to the Chancellor and Board of Trustees by August 15 for the prior 12-month period ending July 31 that includes the following:

- a. The date and description of each violation of policy.
- b. A description of the administrative handling and discipline relating to each violation.
- c. A description of substantial difficulties, controversies, or successes in maintaining a posture of administrative and institutional neutrality.
- d. Any additional assessments, criticism, commendations, or recommendations MMI sees fit to include.



# APPENDICES

# APPENDIX A:

## FAMILY RELATIONSHIP DISCLOSURE FORM

Employee's Name: \_\_\_\_\_

Job Title/Position: \_\_\_\_\_

Employment Date: \_\_\_\_\_ Full-Time \_\_\_\_\_ Part-Time \_\_\_\_\_

Salary Schedule \_\_\_\_\_ Rank \_\_\_\_\_ Step \_\_\_\_\_ Annual Salary \_\_\_\_\_

**For purposes of this disclosure, relative includes the following: spouse, dependent, adult child and his or her spouse, parent, spouse's parents, sibling and his or her spouse.**

**Are you a relative of any employee of the Alabama College System or any member of the State Board of Education?**

Yes \_\_\_\_\_ No \_\_\_\_\_

**If yes, list the name(s), relationship, and employer/position of relative(s)**

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**I affirm that all information contained herein is correct to the best of my knowledge.**

Signed: \_\_\_\_\_  
Employee Date

**APPENDIX B:**  
**EMPLOYEE ADDRESS CHANGE/CHANGE OF  
STATUS FORM**

**EMPLOYEE ADDRESS CHANGE/CHANGE OF  
STATUS FORM**

**Please print and return completed form to the Human  
Resources Department.**

**Name Change**

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Employee Name (Last, First, MI)

---

**New Name** (if applicable) (Last, First, MI)

\*Name will not be changed on the payroll system unless a new **Social Security Card** reflecting the new name is attached.

**ADDRESS CHANGE**

---

New address (if applicable)

---

City, State, & Zip

---

Telephone

---

Employee Signature

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Date

## APPENDIX C:

### REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT

#### REQUEST FOR APPROVAL OF OUTSIDE EMPLOYMENT

In accordance with Alabama Community College System Board of Trustees and Marion Military Institute policies, faculty and staff members proposing to engage in outside employment activities must submit the following information for approval by the President prior to engaging in the proposed activity.

Name: \_\_\_\_\_

Department: \_\_\_\_\_ Job Title: \_\_\_\_\_

1. Name of proposed employer or activity: \_\_\_\_\_
2. Location of proposed employment or activity: \_\_\_\_\_
3. Anticipated dates and length of outside employment: \_\_\_\_\_
4. Days worked per week \_\_\_\_\_; Hours worked per day \_\_\_\_\_; specify days and hours \_\_\_\_\_
5. Description of outside employment activity: \_\_\_\_\_

I hereby certify that the outside employment activity reported does not constitute a conflict of interest and will not interfere with my regular employment at Marion Military Institute.

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

All reported outside employment activity must be reviewed by the appropriate chair or supervisor and Dean or Director to determine conformance of the proposed activity with the guidelines stated in the policy on outside employment. After completing the review, the chair/supervisor and dean/director should indicate their approval or disapproval below and indicate whether a conference with the faculty or staff member is recommended, and if so, when it is held.

\_\_\_ Approved \_\_\_ Disapproved

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Date

\_\_\_ Approved \_\_\_ Disapproved

\_\_\_\_\_  
Senior Staff

\_\_\_\_\_  
Date

\_\_\_ Approved \_\_\_ Disapproved

\_\_\_\_\_  
President

\_\_\_\_\_  
Date

## APPENDIX D: Performance Evaluation Tool

<b>15 Factors</b>	<b>Consistently Exceeds Performance</b>  <b>(Always/Almost Always)</b>	<b>Sometimes Exceeds Performance</b>  <b>(At Times/ Intermittent)</b>	<b>Meets Expected Performance</b>  <b>(Good and Solid)</b>	<b>Does Not Meet Expected Performance</b>  <b>(Needs Improvement)</b>	<b>Explain</b>
1-Job Quality	Employee consistently exceeds expectations in job quality where all job tasks completed thoroughly, timely, with no errors and with no assistance or prompting.	Employee sometimes exceeds expectations in job quality where all job tasks completed thoroughly, timely, with no errors and with no assistance or prompting.	Employee completes all job tasks with minimal errors and minimal assistance or prompting.	Employee at times does not complete job tasks, or Employee has more than minimal errors or needs more prompting or assistance than expected.	
2-Leave Management		Employee almost never misses work, receives approval in advance for personal and annual leave, and always submits accurate and timely leave records.	Employee takes appropriate leave, receives approval in advance for personal and annual leave, and satisfactorily submits leave records.	Employee's absences are excessive, or Employee takes leave when college can least afford absence, or Employee takes more leave than allowed or does not properly seek approval, or Employee at times submits inaccurate or untimely leave records.	
3-Time Management			Employee manages time effectively; and Employee routinely arrives on time for work; and Employee is accessible; and Employee works scheduled work hours and receives approval for deviations;	Employee on occasion does not effectively manage time; or Employee is frequently tardy or leaves early without approval, or Employee on occasion is not accessible; or Employee works unapproved work hours on	

			and Employee notifies supervisor before scheduled work when tardy or absent.	occasion, or Employee on occasion does not notify supervisor before scheduled work when tardy or absent.	
4-Follows Policy			Employee complies with all college policies.	Employee at times does not comply with all college policies.	
5-Conflict Resolution	Employee almost always diffuses conflict while maintaining the highest degree of professionalism during conflict, and Employee does not cause or contribute to conflict.	Employee appropriately resolves conflict in the workplace and sometimes diffuses conflict while maintaining the highest degree of professionalism during conflict, and Employee does not cause or contribute to conflict.	Employee appropriately resolves conflict in the workplace and maintains a satisfactory degree of professionalism, and Employee rarely causes or contributes to disruption in the work environment.	Employee does not appropriately resolve conflict in the workplace, or Employee allows conflict to reach an unprofessional level at times, or Employee at times causes or contributes to conflict in the workplace.	
6-Adaptability	Employee consistently adapts easily to new goals, projects, processes or procedures, and/or other changes with enthusiasm.	Employee sometimes adapts easily to new goals, projects, processes or procedures, and/or other changes with enthusiasm.	Employee appropriately adapts to new goals, projects, processes or procedures, and/or other changes.	Employee has trouble adapting to new goals, projects, processes or procedures, and/or other changes.	
7-Constructive Feedback	Employee accepts constructive feedback and consistently welcomes constructive feedback. Demonstrates an eagerness to improve. Takes immediate action to implement improvement.	Employee accepts constructive feedback and at times welcomes constructive feedback. Demonstrates a willingness to improve. Takes action to implement improvement.	Employee accepts constructive feedback and demonstrates willingness to improve.	Employee has trouble accepting constructive feedback or at times does not demonstrate a willingness to improve.	
8-Teamwork	Employee consistently works well with others and consistently contributes positively to the team.	Employee generally works well with others and at times contributes positively to the team.	Employee satisfactorily works with others and satisfactorily contributes to the team.	Employee at times does not satisfactorily work with others, or Employee at times does not contribute to the team.	

9-Service	Employee consistently provides exceptional service to include exceptional follow-up to all persons, and this service consistently includes a greeting and positive attitude.	Employee provides good service and at times provides exceptional service to include exceptional follow-up to all persons, and this service includes a greeting and positive attitude.	Employee provides good and acceptable service which includes appropriate follow-up to all persons.	Employee at times does not provide good service or fails to follow-up, or Employee does not always provide the level of service expected in this position.	
10-Communication	Employee consistently has excellent communication skills which are concise, organized, understandable and disseminated appropriately.	Employee at times has excellent communication skills which are concise, organized, understandable and disseminated appropriately.	Employee has acceptable communication skills which are concise, organized, understandable and disseminated appropriately.	Employee at times does not have acceptable communication skills or at times does not disseminate communication appropriately.	
11-Initiative	Employee is self-motivated and consistently shows significant initiative and excellent work ethic and drive to achieve.	Employee is self-motivated and at times shows significant initiative and excellent work ethic and drive to achieve.	Employee satisfactorily shows initiative and good work ethic.	Employee at times does not satisfactorily show initiative or Employee at times does not demonstrate satisfactory work ethic.	
12-Judgment	Employee consistently shows excellent judgment.	Employee at times shows excellent judgment.	Employee shows good judgment.	Employee at times does not show good judgment.	
13-Active Participation	Employee consistently exceeds expectations with participation and consistently provides leadership in either professional development and college-wide offerings, department meetings, committee assignments, extracurricular activities, and non-mandatory college events.	Employee at times exceeds expectations with participation and at times provides leadership in either professional development or college-wide offerings, department meetings, committee assignments, extracurricular activities, and non-mandatory college events.	Employee meets expectations with satisfactory participation at professional development and college-wide offerings, department meetings, committee assignments, extracurricular activities and non-mandatory college events.	Employee does not satisfactorily meet expectations in participation at professional development or college-wide offerings, department meetings, committee assignments, extracurricular activities or non-mandatory college events.	

14-Respect		Employee exceeds expectations by displaying the utmost deference and respect toward supervisors and administrators.	Employee displays appropriate respect toward supervisors and administrators.	Employee at times does not display appropriate respect toward supervisors and administrators.	
15-Collegiality			Employee is polite and respectful to colleagues, students, or others.	Employee at times is not polite or respectful to colleagues, students, or others.	



<b>Instructors Only</b>					
Classroom Management		Instructor exceeds all classroom expectations as determined by the College and Instructor is considered highly effective.	Instructor meets all classroom expectations as determined by the College and Instructor is considered to be effective.	Instructor at times does not meet all classroom expectations determined by the College, or Instructor at times is not considered effective.	
Student Observation		Rare (if any) student complaints voiced about instructor and student evaluations are consistently and overwhelmingly positive.	Few student complaints voiced about instructor and student evaluations always meet expectations.	Students voice more than a few or regular complaints about instructor, and/or student evaluations of instructor do not always meet expectations.	
Adheres to College Instructional Policies			Instructor adheres to College instructional policies and procedures.	Instructor at times does not adhere to College instructional policies and procedures.	

<b>Supervisors Only</b>					
Supervisory Leadership		Supervisor exhibits highly effective and excellent leadership skills.	Supervisor exhibits effective and good/appropriate leadership skills.	Supervisor does not always exhibit effective, good, or acceptable leadership skills.	
Employee Management		Supervisor exhibits excellent skills in managing, communicating, evaluating, disciplining, and maintaining confidentiality of employees.	Supervisor appropriately manages, communicates, evaluates, disciplines, and maintains confidentiality of employees.	Supervisor does not always appropriately observe, manage, evaluate, communicate, discipline, or maintain confidentiality of employees.	
Results		Supervisor exceeds expectations with achieving goals and mission throughout the performance period.	Supervisor meets expectations with regard to goal-setting and ensuring goals are achieved throughout performance period.	Supervisor does not properly set goals or ensure goals are achieved during performance period.	

# APPENDIX E:

## FAMILY AND MEDICAL LEAVE ACT (FMLA)

### EMPLOYEE RIGHTS AND RESPONSIBILITIES

#### Family and Medical Leave Act (FMLA) Employee Eligibility, Rights & Responsibilities

- A. Eligibility. To be eligible for FMLA benefits, an employee must have been employed by the College for a total of 12 months from the date on which any FMLA leave is to begin and must have worked at least 1,250 hours over the previous 12-month period. These guidelines generally do not cover temporary employees. However, if a temporary employee is extended beyond one (1) year, the employee would be covered if the employee had worked at least 1,250 hours during the previous 12-month period.
- B. Definitions.
1. Parent. A biological or adoptive parent or an individual who stood *in loco parentis* (a person who is in the position or place of a parent) to an employee when the employee was a child.
  2. Child. A son or daughter under eighteen (18) years of age or eighteen (18) years of age or older and incapable of self-care because of mental or physical disability who is: a biological child; an adopted child; a foster child (one for whom the employee performs the duties of a parent as if it were the employee's child); a stepchild (a child of the employee's current spouse from a former marriage); a legal ward (a minor child placed by the court under the care of a guardian); a child of an employee standing *in loco parentis*.
  3. Spouse. A husband or wife.
  4. Serious Health Condition. An illness, injury, impairment, or physical or mental condition that involves either any period of incapacity or treatment connected with inpatient care (an overnight stay) in a hospital, hospice, or residential medical-care facility, and any period of incapacity or subsequent treatment in connection with such inpatient care; or continuing treatment by a health care provider which includes any period of incapacity (inability to work, attend school, or perform other regular daily activities) due to:

- a. a health condition lasting more than three consecutive days, and any subsequent treatment or period of incapacity relating to the same condition that also includes treatment two or more times by or under the supervision of a health care provider; or one treatment by a health care provider with a continuing regimen or treatment; or
    - b. pregnancy or prenatal care; or
    - c. a chronic serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may involve occasional episodes of incapacity; or
    - d. a permanent or long-term condition for which treatment may not be effective; or
    - e. any absences to receive multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated.
  - 5. Health Care Provider. Doctors of medicine or osteopathy authorized to practice medicine or surgery by the state in which the doctors practice; or podiatrists, dentists, clinical psychologists, optometrists, and chiropractors authorized to practice, and performing within the scope of their practice under state law; or nurse practitioners, nurse-midwives, and clinical social workers authorized to practice, and performing within the scope of their practice as defined under state law; or Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts; or any health care provider recognized by the College or the College's group health plan benefits manager.
  - 6. Workweek. The number of hours an employee is generally scheduled to work each week.
- C. Leave Entitlement. The College will grant an eligible employee up to a total of 12 workweeks of unpaid leave during any 12-month period for one or more of the following reasons:
- 1. For the birth and care of the newborn child of the employee, provided the leave is taken within twelve (12) months following birth;
  - 2. For placement with the employee of a son or daughter for adoption or foster care, provided the leave is taken within twelve (12) months following placement;

3. To care for an immediate family member (spouse, child, or parent) with a serious health condition;
  4. To take medical leave when the employee is unable to work because of a serious health condition.
  5. To take leave for a “qualifying military exigency” arising out of the employee’s spouse, son, daughter, or parent being a military member who: is on covered active duty; is on call to covered active duty status; or has been notified of an impending call or order to covered active duty as defined in 29 USC § 2611.
- D. The College will grant an eligible employee up to a total of 26 weeks of unpaid leave during any 12 month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member’s spouse, son, daughter, parent, or next of kin (military caregiver leave).
- E. Requirement to Use Accrued Leave. Employees are required to use accrued paid leave (vacation, sick leave, annual leave, personal leave, etc., but not compensatory time) concurrently with unpaid FMLA leave
- F. Health Benefits. The College will maintain group health insurance coverage for an employee on FMLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. The employee taking FMLA leave is responsible for making all monthly health insurance premium payments in order to maintain health insurance coverage and benefits. Arrangements and payments for the coverage must be made through the MMI Business Office. Failure to make such payments on a timely basis will result in the lapse of health insurance coverage and benefits.
- G. Notice and Certification. Employees seeking to use FMLA leave are required to provide notice thirty (30) days in advance of the need to take FMLA leave when the need is foreseeable and such notice is practicable. This subsection does not apply to military caregiver leave or exigency military leave. The College may require the following:
1. Certification of serious health condition. When requested, employees must provide a certification from their health care provider that they have a serious health condition within the time frame requested by the employer (which must allow at least fifteen (15) calendar days after the employer’s request), unless it is not practicable under the particular circumstances to do so despite the employee’s diligent, good faith efforts. See FMLA certification form at <https://www.dol.gov/whd/forms/WH-380-E.pdf>.

2. Second or third medical opinions (at the expense of the employer) can be requested in accordance with FMLA.
3. Fitness for duty certification. Employers may require all employees who are on leave because of their own serious health condition to provide the employer certification from their health care provider that the employee is fit to return to work. This certification must include that in the opinion of the healthcare provider, the employee is able to perform the essential functions of his or her job. Any employee failing to provide a fitness for duty certification after being notified that the certification is required shall no longer be entitled to reinstatement under the FMLA.
  - a. If an employer elects to require certain employees to provide a fitness for duty certification, the employer must require all employees provide the certification who are similarly situated (i.e., same occupation, same serious health condition) and request FMLA leave, without exception.
  - b. If an employer elects to require an employee's health care provider certify that the employee can perform the essential functions of his or her position, it must provide the employee with a list of the essential functions of his or her position as part of the FMLA leave designation notice, and the designation notice must address the employee's ability to perform those essential functions.
4. Recertification. An employer may require any employee on FMLA leave to obtain recertification at the employee's expense from their health care provider. The following procedures apply to recertification:
  - a. 30 Day Rule. An employer may request recertification no more than every thirty (30) days and only in connection with an absence by the employee.
  - b. If the medical certification indicates that the minimum duration of an employee's condition is thirty (30) days, an employer must wait until that minimum duration expires before requesting recertification, except that in all cases, an employer may request recertification every six (6) months in connection with an absence by the employee. For example, if medical certification states that an employee will be unable to work, either continuously or intermittently for forty (40) days, the employer must wait forty (40) days before requesting recertification.
  - c. An employer may request recertification in less than thirty (30) days if:
    - i. The employee requests an extension of leave;

- ii. Circumstances described by the previous certification have changed significantly; or
  - iii. The employer receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.
- d. Employers cannot request second or third opinions for recertification.

The employee must provide the requested recertification to the employer within the time frame requested (this timeframe must allow for at least fifteen (15) days to recertify), unless it is not practicable under the circumstances to do so despite the employee's good faith efforts.

5. Periodic reports during FMLA leave regarding the employee's status and intent to return to work.
- H. When intermittent leave is needed to care for an immediate family member or for the employee's own illness, and is for planned medical treatment, an employee must try to schedule treatment so as not to disrupt unduly operation of the College.
  - I. Each employer must post in conspicuous places (where notices to employees and applicants for employment are customarily posted) a notice setting forth excerpts from and summaries of the pertinent provisions of FMLA and information on filing a charge of a violation of FMLA. Copies of the notice may be downloaded from: <https://www.dol.gov>. The poster may be posted electronically.
  - J. Each employer must provide a general notice to employees of their rights and responsibilities under FMLA, containing the same information that is in the poster in either its employee handbook or other written material. Each employer may meet this general notice requirement by either duplicating the general notice language found on the FMLA Poster or by using another format so long as the information provided includes, at a minimum, all the information contained in the FMLA Poster. The general notice may be distributed electronically provided all other requirements are met.
  - K. Each employer must provide a written notice designating employee leave as FMLA leave and detailing specific expectations and obligations of an employee who is exercising FMLA rights. The notice should be provided to the employee within five business days of the initial request for leave or when the employer acquires knowledge that an employee leave may be for an FMLA-qualifying reason; and should include the following: (a) that the leave will be counted against the employee's annual FMLA leave entitlement; (b) any requirements for the employee to furnish medical certification and the consequences of failing to do so; (c) that the employer will require the use of all

accrued paid leave, except compensatory time, for FMLA leave prior to the use of unpaid FMLA leave; (d) any requirement for the employee to make co-premium payments for maintaining group health insurance and the arrangement for making such payments; (e) rights to job restoration upon return from leave; and (f) employee's potential liability for reimbursement of health insurance premiums paid by the employer during the leave if the employee fails to return to work after taking FMLA leave. Copies of the form designating leave as FMLA leave may be downloaded from the web site of the U.S. Department of Labor at: <https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/WH-381.pdf>. Each employer must be responsive to answer questions from employees concerning their FMLA leave.

- L. If an employer has knowledge that leave is for an FMLA reason at the time the employee either gives notice of the need for leave or at the time the leave commences, and the employer does not notify the employee as required at that time that the leave is being designated as FMLA leave, the employer may not then designate the leave as FMLA leave retroactively. The employer may designate such leave only prospectively, as of the date of notification to the employee of the designation, that the time is being charged against the employee's FMLA leave entitlement. The employer may not designate leave that has already been taken as FMLA leave after the employee returns to work, with two exceptions:
- a. If an employee is out of work for an FMLA-qualifying reason, and the employer does not learn of the reason for the leave until the employee returns to work, the employer may designate the leave as FMLA leave promptly (within two (2) working days) upon the employee's return to work (including a provisional designation based on information from the employee, subject to confirmation upon the employer's receipt of medical certification if the employer requires it and has previously notified the employee of the requirement); or
  - b. If the employer has provisionally designated the leave under FMLA and is awaiting receipt from the employee of medical certification or other "reasonable documentation" to confirm that the leave was FMLA-qualifying, or the employer and employee are in the process of obtaining second or third medical opinions.

If the employer does not designate leave as FMLA leave in a timely manner as required, the employer may not later designate the absence as FMLA leave absent the circumstances specified above. Similarly, the employee is not entitled to the protections of the FMLA if the employee gives notice of the reason for the leave later than two working days after returning to work. If an absence which begins as other than FMLA leave later develops into an FMLA-qualifying absence, the entire portion of the leave period that qualifies under FMLA may be counted as FMLA leave.



- M. Each employer shall designate any FMLA qualifying leave as FMLA leave, regardless of the employee's preference for using some other form of leave, such as sick leave, vacation, annual leave, etc. Designation, however, must be made based solely on information provided by the employee or the employee's representative.
- N. Special information related to Qualifying Exigency Leave. The employer will comply with the FMLA as it relates to Qualifying Exigency Leave. Employees must use DOL Form WH-384: Certification of Qualifying Exigency For Military Family Leave. Qualifying Exigency Leave is discussed in detail in DOL's Fact Sheet #28M(c): Qualifying Exigency Leave under the Family and Medical Leave Act.

An employee must provide notice of the need for qualifying exigency leave as soon as practicable. The employer shall require that an employee's request for qualifying exigency leave be supported by appropriate certification, such as the military member's active duty orders, within the time frame requested by the employer (which must allow at least fifteen (15) calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. The employee is only required to provide this information to the employer once for a military member on a specific deployment. The employer may also require the employee to submit certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, such as a copy of the covered military member's active duty orders or other documentation issued by the military that indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation with the dates of the covered military member's active duty service; the date on which the qualifying exigency commenced or will commence and the end date; where leave will be needed on an intermittent basis, the frequency and duration of the qualifying exigency; and appropriate contact information if the exigency involves meeting with a third-party.

The employer may not require second and third opinions or recertification for qualifying exigency leave. When the leave involves meeting with a third party, an employer may contact the third party to confirm that the meeting is taking place and the nature of the meeting, but the employer may not request additional information.

An employer also may contact the Department of Defense to verify a military member's covered active duty status.

- O. Special Information related to Military Caregiver Leave. The employer will comply with the FMLA as it relates to Military Caregiver Leave. Employees must use DOL Form WH-385: Certification for Serious Injury or Illness of a Current Servicemember--for Military Family Leave. Military Caregiver Leave is discussed in detail in DOL's Fact

Sheet #28M(a): Military Caregiver Leave for a Current Servicemember under the Family and Medical Leave Act.

The “single twelve (12) month period” for FMLA purposes begins on the first day the eligible employee takes military caregiver leave and ends twelve (12) months after that date, regardless of the method used by the employer to determine the employee’s twelve (12) workweeks of leave entitlement for other FMLA-qualifying reasons.

An employee must provide thirty (30) days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered servicemember. When thirty (30) days advance notice is not possible, the employee must provide notice as soon as practicable taking into account all of the facts and circumstances. When the need for leave is unforeseeable, an employee must comply with an employer’s normal notice or call-in procedures, absent unusual circumstances. The employee must provide sufficient information to make the employer aware of the need for FMLA leave and the anticipated timing and duration of the leave.

When leave is taken to care for a covered servicemember with a serious injury or illness, an employer shall require an employee to obtain a certification completed by an authorized health care provider of the covered servicemember within the time frame requested by the institution (which must allow at least fifteen (15) calendar days after the employer’s request), unless it is not practicable under the particular circumstances to do so despite the employee’s diligent, good faith efforts.

An authorized health care provider includes Department of Defense health care providers; Veterans Affairs health care providers; or a private health care provider if the health care provider is either a DOD TRICARE network authorized private health care provider or a DOD non-network TRICARE authorized private health care provider. The employer may authenticate and clarify medical certifications submitted to support a request for military caregiver leave using the procedures applicable to FMLA leave taken to care for a family member with a serious health condition. Given the seriousness of the injuries or illnesses incurred by a servicemember whose family receives an “invitational travel order” (ITO) or “invitational travel authorization” (ITA), and the immediate need for the family member at the servicemember’s bedside, an employer is required to accept the submission of an ITO or ITA, in lieu of the DOL Form WH-385, as sufficient certification of a request for military caregiver leave during the time period specified in the ITO or ITA. The regulations also permit an eligible employee who is a spouse, parent, son, daughter or next of kin of a covered servicemember to submit an ITO or ITA issued to another family member as sufficient certification for the duration of time specified in the ITO or ITA, even if the employee seeking leave is not the named recipient on the ITO or ITA. If the covered servicemember’s need for care extends beyond the expiration date

specified in the ITO or ITA, the regulations permit an employer to require an employee to provide certification for the remainder of the employee's leave period.

The employer is not permitted to require second or third opinions on military caregiver leave, unless certification is provided by a non-military-affiliated healthcare provider. The employer is also not permitted to require recertification for military caregiver leave.

For purposes of confirmation of family relationship, the employer shall require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship, such as birth certificate, court document, affidavit, etc.

For military caregiver leave that also qualifies as leave taken to care for a family member with a serious health condition, FMLA requires that an employer must designate the leave as military caregiver leave first. FMLA prohibits an employer from counting leave that qualifies as both military caregiver leave and leave to care for a family member with a serious health condition against both an employee's entitlement to twenty-six (26) workweeks of military caregiver leave and twelve (12) workweeks of leave for other FMLA-qualifying reasons.

An eligible employee is limited to a combined total of twenty-six (26) workweeks of leave for any FMLA qualifying reasons during the single twelve (12) month period. Up to twelve (12) of the twenty-six (26) weeks may be for an FMLA-qualifying reason other than military caregiver leave. For example, if an employee uses ten (10) weeks of FMLA leave for his or her own serious health condition during the single twelve (12) month period, the employee has up to sixteen (16) weeks of FMLA leave left for military caregiver leave.

- P. To the extent this policy does not address a particular FMLA issue, the employer is required to comply with the FMLA.

**Reference Alabama Community College System Board of Trustees Policy Guideline  
611.01: Leaves Without Pay**

## **APPENDIX F: TUITION WAIVER FORM**

## EMPLOYEE AND/OR DEPENDENT TUITION WAIVER FORM

Employee's Name \_\_\_\_\_ (please print) Employee ID # & Position/Title \_\_\_\_\_  
Phone # \_\_\_\_\_ Email \_\_\_\_\_

Dependent's Name \_\_\_\_\_ Dependent's Student ID or SS# \_\_\_\_\_

Phone # \_\_\_\_\_ Email \_\_\_\_\_

Relationship to Employee: (check one)

☐ Self ☐ Spouse ☐ Unmarried Natural or Adopted Child ☐ Unmarried Step-Child ☐ Legal Ward

Does the Dependent live with you? ☐ Yes ☐ No With former Spouse? ☐ Yes ☐ No Temporary Housing? ☐ Yes ☐ No

(The unmarried child(ren) must reside in the household of the employee or retiree. The unmarried child(ren) must reside in the household of the employee's or retiree's former spouse. The unmarried child(ren) must reside in temporary housing while enrolled in college such as college dormitories, apartments, and student housing. The unmarried stepchild(ren) must reside in the household of the employee or retiree. Dependent refers to spouse, unmarried child(ren) or a legal ward (minor child placed by court) when the guardian is a benefits eligible employee or retiree.)

Institution to Attend \_\_\_\_\_ Term/Year \_\_\_\_\_

Course # _____	Course Name _____	Credit Hours _____	Online: <input type="checkbox"/> Yes <input type="checkbox"/> No	Audit: <input type="checkbox"/> Yes <input type="checkbox"/> No
Course # _____	Course Name _____	Credit Hours _____	Online: <input type="checkbox"/> Yes <input type="checkbox"/> No	Audit: <input type="checkbox"/> Yes <input type="checkbox"/> No
Course # _____	Course Name _____	Credit Hours _____	Online: <input type="checkbox"/> Yes <input type="checkbox"/> No	Audit: <input type="checkbox"/> Yes <input type="checkbox"/> No
Course # _____	Course Name _____	Credit Hours _____	Online: <input type="checkbox"/> Yes <input type="checkbox"/> No	Audit: <input type="checkbox"/> Yes <input type="checkbox"/> No

**I certify that I am familiar with the provisions of the Employee and/or Dependent Tuition Waiver policy and that the person(s) requesting the tuition waiver benefits qualifies as an eligible employee or dependent in accordance with the policy. (See reverse of form for policy and/or processing steps).**

**INITIAL BY EACH ITEM  
AND SIGN BELOW**

\_\_\_\_\_ All fees (other than portion of tuition waiver), books and supplies are the responsibility of the student  
 \_\_\_\_\_ Maximum of one audit per term  
 \_\_\_\_\_ Waiver does not apply to repeated courses  
 \_\_\_\_\_ Student must abide by the academic limitations and policies of the attending institution (including any course limitations)  
 \_\_\_\_\_ Unofficial Transcripts (and current course schedule) must be attached to this form

It is the responsibility of the employee and/or dependent to ensure that all documents and forms (requested by the college where the student is enrolled) are submitted and signed by the appropriate personnel in a timely manner prior to submission. Any packets deemed as incomplete will cause a delay in the processing of the tuition waiver. Please be sure to check with the college in which you are registered for courses to ensure the packet is complete.

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

Supervisor (if required) \_\_\_\_\_

Date \_\_\_\_\_

**This section to be completed by the Human Resources department at the institution of employment.**

Certification: Full Waiver ☐ 2/3 Waiver ☐ 1/3 Waiver ☐ Full-time Employment Date \_\_\_\_\_ Date of Employee Retirement \_\_\_\_\_  
 \*Dependents are eligible for waiver for a maximum of 5 years from date of employee retirement.  
 Certifier Name: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_  
 Employee's Institution: \_\_\_\_\_

**This section to be completed by the appropriate college official at the institution of attendance.**

Certification: Student's GPA is at least 2.0? Yes ☐ No ☐  
 Certifier Name: \_\_\_\_\_ Title: \_\_\_\_\_ Dept/Division: \_\_\_\_\_ Date: \_\_\_\_\_

**This section to be completed by the President at the institution of attendance.**

Based on the certified information above, I hereby certify that \_\_\_\_\_ has been approved to receive all benefits granted under the Employee and Dependent Tuition Waiver Program for \_\_\_\_\_ hours at the institution of \_\_\_\_\_  
 President: \_\_\_\_\_ Date: \_\_\_\_\_

Notes:

# **APPENDIX G:**

## **TRAVEL FORMS**

# MARION MILITARY INSTITUTE

## IN-STATE TRAVEL REQUEST

Travel Category (check one):

☐ In-State Travel (Per Diem)  
☐ In-State Travel (Actual Exp)

Name: \_\_\_\_\_

Number Attending (check one):

☐ Individual  
☐ Group (# in Group): \_\_\_\_\_

Purpose of travel: \_\_\_\_\_

Destination (City and State): \_\_\_\_\_

Date of Departure: \_\_\_\_\_ Date of Return: \_\_\_\_\_

Transportation (state car, personal car ): \_\_\_\_\_

Personal car mileage:  .67 milegae rate (2024)  
Mileage Cost: \$  -

Estimated Costs:

Transportation/Gas	<input type="text"/>
Conference/Registration Fee	<input type="text"/>
Meals/Hotel	<input type="text"/>
Miscellaneous	<input type="text"/>
	\$ <input type="text"/> -

**GRAND TOTAL** \$  -

Budget Account: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Budget Supervisor: \_\_\_\_\_

Date: \_\_\_\_\_

Overnight Per Diem:

\$85 per diem is paid for each day of travel when overnight stay is required

\$100 per diem is paid for each day requiring stays of two or more nights

Partial Day per Diem:

\$12.75 per diem is paid for travel of six to twelve hours.

\$34.00 per diem is paid for travel in excess of twelve hours but not an overnight stay.

**IN-STATE  
EMPLOYEE TRAVEL REIMBURSEMENT REQUEST**

216

<b>Department</b>		<b>Purpose for Travel</b>	
<b>Name of Traveler</b>		<b>Destination (City/State)</b>	
The mileage and subsistence expense indicated in this expense account has been previously authorized and has been checked for compliance.		I hereby certify that the within account in the amount of _____ is correct, due, and unpaid.	
<b>APPROVAL TO PAY:</b>			
Regional Director of Accounting		PAYEE (SIGNATURE)	
Reconciliation of Expenses			
<b>Travel Expenses</b>		<b>Amount</b>	<b>Amount</b>
Commercial Transportation (includes air/rental car)		\$ -	\$ -
Mileage, Private Car @ \$0.67 per mile		\$ -	\$ -
Meals and Incidentals		\$ -	\$ -
<b>Grand Total - Travel Expenses</b>			\$ -

Itemized Statement of Necessary Traveling Expenses Incurred											
Date mm/dd/yy	Points of Travel		Hour of Depart/ Return	Private Car Miles/Fare Description	Commercial Transportation	Subsistence			Meals	Lodging Cost	Other Necessary Expenses (Receipts Required)
	From City/State	To City/State				Breakfast	Lunch	Dinner			
First Day									\$ -		Registration Gas - Car Baggage Fees Parking Fees Hotel Taxes Other(Detail):
Full Day									\$ -		
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### STATEMENT OF OFFICIAL IN-STATE TRAVEL

Department \_\_\_\_\_

Pay from \_\_\_\_\_ Funds \_\_\_\_\_

Was a meal provided to you by the meeting or conference attended? \_\_\_\_\_

APPROVED \_\_\_\_\_

Budget Manager (Supervisor if traveler is Budget Manager)

Traveler Name and Address	
Name	_____
Address	_____
City, State, Zip	_____

Month And Date	POINTS OF TRAVEL		Private Car Miles	Hour of Departure From Base		Hour of Return to Base		Overnight Per Diem	Partial Day Per Diem \$12.75/\$34.00
	From City/County	To City/County		AM	PM	AM	PM		
Total Number of Miles Traveled			0	TOTAL PER DIEM CLAIMED				0.00	
				MILEAGE (# of miles x mileage rate of .67)					
Detail miscellaneous expense below and furnish receipts.				MISCELLANEOUS EXPENSE					
				TOTAL THIS EXPENSE ACCOUNT					

I HEREBY CERTIFY that the travel and expense indicated hereon was accomplished in the performance of official duties pursuant to travel authority granted me.

Signature of Traveler

**Overnight Per Diem:**  
**\$85 per diem is paid for each day of travel when overnight stay is required**  
**\$100 per diem is paid for each day requiring stays of two or more nights**

**Partial Day per Diem:**  
**\$12.75 per diem is paid for travel of six to twelve hours.**  
**\$34.00 per diem is paid for travel in excess of twelve hours but not an overnight stay.**



**NOTE:** A copy of the employee's approved out-of-state travel request must be attached to this form for reimbursement.

**Budget Code Number**

Destination (City/State)

The mileage and subsistence expense indicated in this expense account has been previously authorized and has been checked for compliance. I hereby certify that the within account in the amount of \_\_\_\_\_ is correct, due, and unpaid.

*is correct, due, and unpaid.*

**PAYEE (SIGNATURE)**

**Current IRS City Meals/Incidentals Daily Cap Rates (print and attach to your travel reimbursement request)**

**Enter daily Meals & Inc per diem**

**Itemized Statement of Necessary Traveling Expenses Incurred for Out-of-Town Trip**

First Day	Date	Points of Travel		Hour of Depart/ Return	Private Car Mileage Description	Commercial Transportation	Subsistence			Meals	Reserved for Office Use	Total: Meals	Actual Lodging Cost	Allowable Lodging Cost	Other Necessary Expenses (Receipts required)	
		From City/State	To City/State				M&IE	Detail	Amount							
Full Day										\$ -	\$ -		\$ -	-	Registration	
Full Day										\$ -	\$ -		\$ -	-	Gas - Car	
Full Day										\$ -	\$ -		\$ -	-	Baggage Fees	
Full Day										\$ -	\$ -		\$ -	-	Parking Fees	
Full Day										\$ -	\$ -		\$ -	-	Hotel Taxes	
Full Day										\$ -	\$ -		\$ -	-	Other(Detail):	
Last Day										\$ -	\$ -		\$ -	-		
Totals					0	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-		\$0.00

**APPENDIX H:**  
**INCOMPLETE GRADE FORM**

**Incomplete Grade Form  
Marion Military Institute**

**NAME:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**TITLE OF COURSE:** \_\_\_\_\_

**COURSE PREFIX, NUMBER, AND SECTION:** \_\_\_\_\_

**JUSTIFICATION FOR INCOMPLETE GRADE:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PROPOSED DATE FOR COMPLETING ALL ASSIGNMENTS FOR THIS COURSE:**

\_\_\_\_\_

**SIGNATURES:**

**ADVISOR:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**INSTRUCTOR:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**DEAN:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**APPENDIX I:**  
**INDEPENDENT STUDY REQUEST FORM**

**Marion Military Institute**  
**Independent Study Request Form**

**NAME:**

**DATE OF REQUEST:**

**TITLE OF COURSE REQUESTED:**

**COURSE PREFIX AND NUMBER:**

**JUSTIFICATION FOR COURSE:**

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**PROPOSED TIME SCHEDULE (INCLUDING LABS, IF APPLICABLE):**

**MONDAY:** \_\_\_\_\_

**TUESDAY:** \_\_\_\_\_

**WEDNESDAY:** \_\_\_\_\_

**THURSDAY:** \_\_\_\_\_

**FRIDAY:** \_\_\_\_\_

**SATURDAY:** \_\_\_\_\_

**SUNDAY:** \_\_\_\_\_

**BEGINNING DATE:** \_\_\_\_\_ **ENDING DATE:** \_\_\_\_\_

**PROPOSED INSTRUCTOR SIGNATURE:** \_\_\_\_\_

**DEAN SIGNATURE and DATE**

\_\_\_\_\_

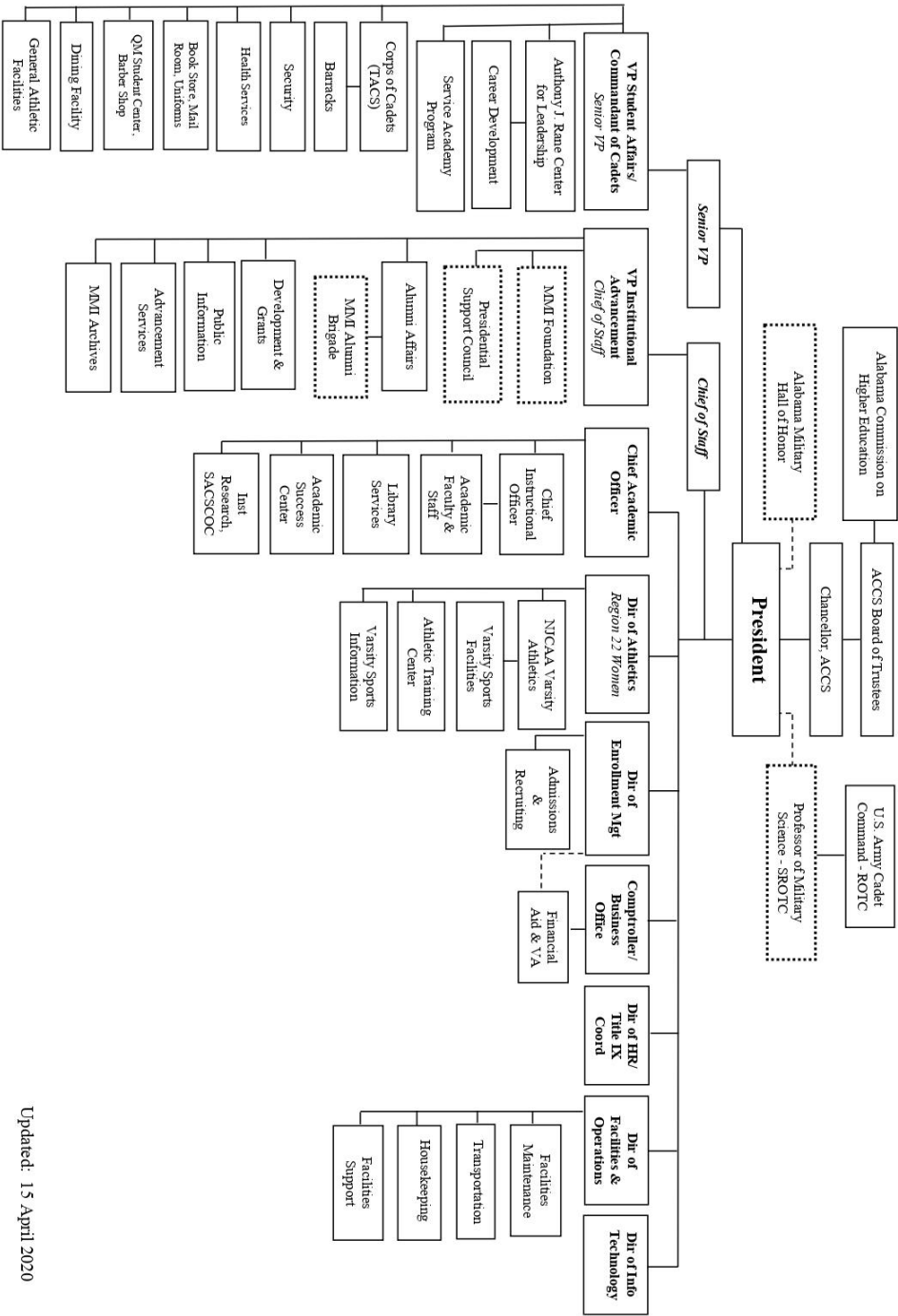
**APPENDIX J:**

**MARION MILITARY INSTITUTE**

**ORGANIZATIONAL STRUCTURE**



# ORGANIZATIONAL STRUCTURE



Updated: 15 April 2020

**APPENDIX K:**  
**CURRICULUM REVISION PROPOSAL FORM**  
**MARION MILITARY INSTITUTE**

# Curriculum Revision Proposal

To assist Marion Military Institute faculty in the development of proposals for curriculum revisions (e.g., additions, deletions, major revision of courses, changes in requirements for concentrations, general education, etc.), the outline and guidelines below are provided. Please consider these items carefully when writing the proposal to ensure Academic Council support and approval.

The procedure for submitting a Curriculum Revision Proposal is as follows:

1. Based on curricular need, relevance to the College's mission, or both, a new program or course is proposed by a faculty member to his/her department chair.
2. If the department chair approves the proposal based on the criteria in (1), he/she will propose the new program or course to the Chief Instructional Officer (Academic Dean).
3. The Chief Instructional Officer reviews the proposal and, if approved based on the criteria in (1), asks the appropriate department chair to complete a Curriculum Revision Proposal form for review by the Chief Academic Officer, who, using the same criteria, can then recommend inclusion on the agenda of a subsequent Academic Council meeting.
4. If approved by the Council using the criteria in (1), the Chief Instructional Officer will submit the proposed change to the appropriate outside agencies. For new courses, the proposed change is sent to Alabama Department of Postsecondary Education for inclusion in the Course Directory (*Alabama State Board Policy 717.01*) and to the AGSC/STARS Committee for review and approval for inclusion in the state transfer system. For new programs, the College must submit the program to the Alabama State Board of Education for approval, per the process described in *Alabama State Board Policy 702.01, Requests for New Instructional Programs*, and *Alabama State Board Policy Guidelines 702.01*. Any request for a new program will also be forwarded to the Alabama Commission on Higher Education (ACHE) for approval by that body, as well as the Alabama State Board of Education.
5. When approved, the College may then include the new course in the curriculum and the new program as part of the College's academic program offerings.

Submitted by:

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Signature of Faculty member (if needed)

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Signature of Department Chair

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Signature of Chief Instructional Officer

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Signature of Chief Academic Officer

**PROPOSAL:**

**CATALOG DESCRIPTION:**

**RATIONALE:**

**EXPECTED OUTCOMES:**

**LEGAL IMPLICATIONS:**

**COURSE OUTLINE:**

**BIBLIOGRAPHY OF TEXTS, REQUIRED READING, AND RELATED MATERIAL:**

**LEARNING OUTCOMES:**

**MEASUREMENT OF STUDENT INTEREST AND EXPECTED ENROLLMENT:**

**APPENDIX L:**  
**PAID PARENTAL LEAVE CERTIFICATION**  
**FORM**



# Paid Parental Leave Certification Form

*All information requested below is required to be filled out.*

Employee Name: \_\_\_\_\_

Salary Schedule/Job Title \_\_\_\_\_

Work Email Address: \_\_\_\_\_

Work Telephone Number: \_\_\_\_\_

Social Security Number: \_\_\_\_\_

Immed. Supervisor's Name: \_\_\_\_\_

Date of Qualifying Event: \_\_\_\_\_

Date of This Request: \_\_\_\_\_

Is your request being made at least 30 calendar days in advance of qualifying event? \_\_\_\_\_

Have you been employed in a position with leave and benefits for at least 12 consecutive months immediately preceding the qualifying event date listed above? \_\_\_\_\_

Are you currently paid any supplements or stipends over and above your stated salary schedule amount? If so, list amount & reason \_\_\_\_\_

\_\_\_\_\_

Are you male or female? \_\_\_\_\_

Reason Parental Leave Requested (Check One):

- ☐ I am requesting up to eight weeks of paid parental leave in connection with the birth, stillbirth, or miscarriage of a child.
- ☐ I am requesting up to two weeks of paid parental leave in connection with the birth, stillbirth, or miscarriage of my child.
- ☐ I am the legal parent of a child three years of age or younger that has been legally placed with me for adoption or I have begun the adoption process of a child three years of age or younger. (Eligible state employees are entitled to eight weeks of parental leave. If both parents work for the State, then only **one** state employee is eligible for eight weeks of parental leave).

### Anticipated Duration of Parental Leave:

Anticipated or Actual Date of Birth,  
Stillbirth, Miscarriage, or Placement: \_\_\_\_\_

Date Parental Leave begins: \_\_\_\_\_

Date Parental Leave concludes: \_\_\_\_\_

Requested method of Parental Leave: ☐ Continuous Use ☐ Intermittent use\*

\*Reason(s) intermittent leave is being  
requested: \_\_\_\_\_

\*How do you intend to utilize  
intermittent leave: \_\_\_\_\_

What is the proposed intermittent leave schedule? \_\_\_\_\_

\_\_\_\_\_  
(must be agreed to by College)

For birth or adoption, do you understand that leave taken intermittently is reserved for time spent  
with the child either bonding or fulfilling a parenting role with the child? \_\_\_\_\_

### Prior Paid Parental Leave Use

Employee Check One:

- ☐ I have not used any paid parental leave in the 365 days preceding this request or for the  
qualifying event indicated on this form.
- ☐ I have used paid parental leave in the 365 days preceding this request or for the qualifying  
event indicated on this request form. If yes, please provide the information below.

Date leave commenced: \_\_\_\_\_

Date leave ended (if applicable): \_\_\_\_\_

Agency/Department where parental leave was used: \_\_\_\_\_

Hours of paid parental leave used (if applicable): \_\_\_\_\_

<b>ADOPTION</b>
<b>Parental Leave Eligibility</b>

*Complete this section for adoptions only.*

Employee Check One:

- ☐ Neither my spouse nor any other parent of the minor child that I am adopting are employed with the State of Alabama in any capacity (such employment includes but is not limited to: the State Executive Branch, the Legislative Branch, the Judicial Branch, or any State, local, or post-secondary educational institution).
- ☐ The child that I am adopting is also being adopted by an individual that is employed with the State of Alabama.

If you checked the second box, please provide the following information related to the other adopting parent:

Name of Other Parent: \_\_\_\_\_

Employing Entity of Other Parent: \_\_\_\_\_

Telephone Number of HR Office at Employing Entity: \_\_\_\_\_

<b>Employee Certification (initial each box)</b>	
	I certify paid parental leave is being taken because of the birth, miscarriage, or stillbirth of a child, or placement of a child with me for adoption and will be used in accordance with the law.
	I understand and agree that I am required to present sufficient documentation to establish my eligibility for paid parental leave. Such documentation may include birth certificate, letters from my doctor, or legal documentation establishing my intent to adopt.
	If I provide an anticipated date of a qualifying event, I shall notify the college as soon as practicable of the actual date of the qualifying event.
	I understand and agree utilizing parental leave in violation of the law and/or college policy may result in disciplinary action, up to and including my termination.
	I understand and agree that the college will deduct any leave fraudulently claimed or erroneously provided under the Alabama Public Employee Paid Parental Leave Act of 2025.
	I understand and agree that the college may remove any fraudulently or improperly granted leave from my paycheck, without any additional prior permission.
	I understand and agree that I am required to return to work for a minimum of 8-weeks following my use of paid parental leave and any failure to comply with the return-to-work agreement may result in the recovery of the value of paid parental leave.
	I understand that any eligible leave under the Family and Medical Leave Act (FMLA) available to me shall run concurrently with the use of parental leave and that I am still required to comply with the FMLA, even if I qualify for paid parental leave.



**RETURN-TO-WORK AGREEMENT**

(must be filled in and signed by employee to be eligible for parental leave)

In exchange for any paid parental leave provided by the College, I, \_\_\_\_\_, understand, acknowledge, and agree that (1) I will not separate from the College for a period of at least eight weeks (as calculated by the college) following the conclusion of any leave I take in connection with a qualifying event, and (2) if I do separate from the College for any reason (including involuntary reasons such as termination) before working at least eight weeks following the conclusion of any leave I take in connection with a qualifying event, the College is entitled and shall recover from me, by offset or otherwise and in compliance with the Fair Labor Standards Act, an amount equal to my hourly rate of pay multiplied by the number of hours I failed to work in compliance with this return-to-work agreement.

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
DATE

I hereby certify under penalty of perjury that, to the best of my knowledge, all information provided in this Certification is true, correct, and complete. I further agree and understand that any false or deceptive information provided herein, regardless of time of discovery, may cause forfeiture of any leave obtained and recovery of the value of any leave improperly received either from my future pay or by legal action. I further agree and understand that any false or deceptive information may result in discipline, up to and including termination.

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Required Documentation:**

Qualifying Event	Required Documentation
The birth, stillbirth, or miscarriage of a child.	<ul style="list-style-type: none"><li>• Completed ACCS Certification Form and</li><li>• Additional Documentation (Select One):<ul style="list-style-type: none"><li>◦ Birth Certificate Naming Parent;</li><li>◦ Proof of Birth (letter from HCP confirming birth and parent);</li><li>◦ Proof of Death (letter from HCP confirming death or death certificate with parent named).</li></ul></li></ul> Other Documentation may be required.
Adoption of child three years of age or younger	<ul style="list-style-type: none"><li>• Paperwork indicating the initiating of adoption process or court filing initiating the adoption process</li><li>• Adoption Order</li><li>• Agreement confirming the initial date of placement</li><li>• Child Birth Certificate or confirmation of birth</li></ul> Other Documentation may be required.

TO BE COMPLETED BY COLLEGE PERSONNEL
Parental Leave Eligibility

Has the employee been employed with college in a leave/benefit position for at least 12-consecutive months?	<input type="checkbox"/> Yes <input type="checkbox"/> No
What dates are utilized to determine the lookback period, if any, for use of prior parental leave?	Start Date: _____ End Date: _____
Does employee's request meet the definition of a qualifying event?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Is employee eligible for FMLA leave?	<input type="checkbox"/> Yes <input type="checkbox"/> No If no, indicate when the employee will become eligible: _____
Did the employee provide a completed, signed Certification Form?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Did the employee provide the required documentation?	<input type="checkbox"/> Yes <input type="checkbox"/> No
Did the employee complete and sign the return-to-work agreement?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Select documents received: <input type="checkbox"/> Birth certificate <input type="checkbox"/> Proof of Birth (letter from HCP confirming birth) <input type="checkbox"/> Adoption Order <input type="checkbox"/> Agreement confirming initial date of placement <input type="checkbox"/> Other: _____
---

**Checklist:**

☐ Determine dates of leave eligibility based on event.  
     Start Date: \_\_\_\_\_  
     End Date: \_\_\_\_\_

☐ Verify paid parental leave not taken in previous 365 days.

☐ Parental Leave Approved

☐ Parental Leave Denied  
     Reason: \_\_\_\_\_

Signature of College Personnel	Date
--------------------------------	------

**Important Reminders:**

- PPL is only available if the qualifying event occurs on or after July 1, 2025.
- PPL for birth, stillbirth, miscarriage, and adoption may be used intermittently, on a reduced schedule, or continuously.
- PPL must run concurrently with FMLA, if available.
- Employees are eligible for PPL once they have 12 consecutive months of service with a leave/benefit position.
- Employees are not required to use other leave before using PPL, but may do so if they choose.
- PPL must be taken within 365 days of the qualifying event. Any PPL available to the employee after 365 days is forfeited.
- PPL is paid at 100% of the eligible state employee's base rate of pay, as determined by the college.
- The College's policy on paid parental leave will govern this benefit.