
Chapter: Personnel

Modification No. 001

Subject: **Code of Ethics and Employee Conduct**

I. In actualizing the core institutional value of integrity, Montgomery College is committed to fostering an environment where ethical standards are routinely and transparently considered by all faculty, staff, and administrators.

II. The purpose of the Montgomery College Code of Ethics is to set ethical standards for faculty, staff, and administrators, acknowledge employees whose decisions and actions meet standards, and hold accountable those employees who choose not to meet standards.

III. The Montgomery College Code of Ethics demands adherence to the following expectations:

Accountability: College employees will fulfill their roles and responsibilities to the best of their abilities. College employees will be personally accountable for the highest standards of moral and ethical behavior in all aspects of their work.

Civility and Collegiality: College employees will work together to create a culture of civility and inclusion built on trust, respect, and dignity for all.

Compliance: College employees will understand and comply with the codes, laws, regulations, policies and procedures that govern our College activities, as well as any standard of conduct and ethics required by professional associations of which the College or employee is a member.

Fairness: College employees will follow and execute the policies, procedures, and standards with objectivity and consistency, without discrimination or favoritism.

Honesty: College employees will be open, honest, and direct.

Respect: College employees will consistently treat all people and College resources with respect.

Stewardship: College employees will be prudent and responsible stewards of College resources.

III. The President is authorized to establish procedures to implement this policy.

Board Approval: June 19, 2017

Chapter: Personnel

Modification No. 002Subject: **Code of Ethics and Employee Conduct****I. General**

- A. The purpose of the Montgomery College Code of Ethics is to outline ethical standards for employees, acknowledge employees whose decisions and actions meet these standards, and hold accountable those employees who choose not to meet the standards.
- B. The Office of Compliance, Risk, and Ethics ("OCRE") shall be responsible for recommending to the President and ensuring all College employees receive initial and periodic refresher training.

II. Reporting Suspected Ethical Violations

- A. All employees are expected to report any suspected violations of College Policies and Procedures, including ethical violations. Employees are encouraged to contact their supervisor or manager with their ethical concerns or concerns about violation of policy or procedure. If contacting the supervisor is not possible or if an employee does not wish to report the concern to the supervisor, reporting may be made directly to the Chief Compliance, Risk, and Ethics Officer or to the confidential reporting line:

Online Reporting: www.montgomerycollege.ethicspoint.com
Toll-free Reporting Line: 1-844-572-2198

OCRE will conduct an initial review of all reports received through the confidential reporting line and will triage those reports as set forth below. All reports are confidential, to the extent permitted by law.

- B. Where a reported violation is addressed specifically through the College's existing policies and procedures, including grievance procedures, the office granted jurisdiction by that policy or procedure will investigate the report. Such reports fall outside the investigatory jurisdiction of OCRE. In these cases, OCRE will:
 - 1. forward the report to the office with jurisdiction, and
 - 2. track the report to ensure that the office with jurisdiction addresses the report and brings it to a timely resolution.

When the investigation is complete, the responsible office will notify OCRE of the disposition.

- C. OCRE is authorized to investigate any suspected violation that does not fall within the express jurisdiction of another office, pursuant to College policies and procedures. OCRE endeavors to complete investigations in a timely fashion, with the goal of completing investigations within 60 days.

III. Protection Against Retaliation

There shall be no retaliation against individuals who, in good faith, report suspected ethical violations. Reports of suspected retaliation will follow Montgomery College Policy and Procedure 39003-Protection Against Retaliation.

IV. Education

Education is a key element of this Policy. The College will provide education and information, as appropriate, for employees to enhance understanding and increase awareness of the College's Code of Ethics and Employee Conduct Policy and Procedure. The President is authorized to provide institutional leadership and guidance for developing education programs to increase knowledge and share information and resources to promote a strong ethical culture at the College. Some goals to be achieved through education are: (a) ensuring that all employees are aware of the College's ethical standards; (b) deterring unethical conduct; and (c) identifying resources available for reporting concerns. Any mandatory education requirements will be announced and posted on the College's website.

Presidential Approval: June 30, 2017; June 18, 2019

Chapter: Personnel

Modification No. 006Subject: **Sexual Misconduct**

I. Policy Statement

It is the policy of Montgomery College to establish and maintain an environment in which all members of the Montgomery College community can work or participate in College education programs and activities free from all forms of sexual misconduct. Sexual misconduct is a form of sex discrimination prohibited by Title IX of the Education Amendments of 1972. In addition, some forms of sexual misconduct violate the criminal laws of the State of Maryland. Sexual misconduct in any form will not be tolerated by Montgomery College. The College will take immediate action to preserve and restore equal educational access when the College has actual knowledge of sexual misconduct.

II. Definitions

For purposes of this Policy, “sexual misconduct” is an umbrella term that encompasses various types of prohibited conduct, including sexual harassment, sexual assault, domestic violence, dating violence, and stalking. The President is authorized and directed to establish procedures to define other terms relevant to this Policy, including but not limited to: “sexual harassment”, “sexual assault”, “domestic violence”, “dating violence”, and “stalking”.

III. Applicability

All students and employees of the College must comply with this Policy. Sexual misconduct is prohibited between students, between employees, between students and employees, and by students or employees against contractors, vendors, or other individuals whose relationship to the student or employee is through the College’s facilities, programs or activities. Similarly, the College will not tolerate sexual misconduct by College contractors, vendors, or other third parties, including visitors and guests to the College whose relationship to the victim is through the College’s facilities, programs, or activities. This Policy applies regardless of the sex, sexual orientation, or gender identity of either the perpetrator or the victim of the sexual misconduct. This Policy applies to sexual misconduct (i) that occurs on College premises, including any property owned or leased by the College (including College buses) or that the College has permission to occupy for purposes of conducting a College-sponsored program or event; (ii) that occurs in connection with any College-sponsored, College-recognized, or College-approved activities within the United States (e.g., off-campus education programs and activities such as College-sponsored field trips, athletic team travel, and events for officially recognized College clubs that occur off-campus, and social activities for employees sponsored by the College or relating to the business of the College); (iii) that occurs during business travel in the United States or otherwise in connection with College-related business; or (iv) sexual harassment on- or off-campus during any college-sponsored activity that impacts equal educational opportunity or access. All incidents of sexual misconduct should be reported so that the College may determine whether the conduct falls within the scope of this Policy.

IV. Reporting and Confidentiality

All members of the Montgomery College community may report allegations of sexual

misconduct at any time, but are encouraged to make such reports promptly in order to maximize the College's ability to respond and take appropriate action, including to obtain evidence and to conduct a prompt and equitable investigation.

Students may report alleged sexual misconduct to the Title IX Coordinator or to any "Mandated Reporter," which includes any College administrator, supervisor, faculty member, public safety officer, coach, or trainer. Employees and other members of the College community may report sexual misconduct to the Title IX Coordinator or the Director of Employee and Labor Relations, and employees may also report sexual misconduct to their supervisor. A Mandated Reporter, the Director of Employee and Labor Relations, and any other employee who receives a report of sexual misconduct must promptly relay such report to the Title IX Coordinator. No employee is authorized to investigate or resolve reports of sexual misconduct without the involvement of the Title IX Coordinator.

The College's designated Title IX Coordinator can be reached by email at TitleIX@montgomerycollege.edu.¹ The Title IX Coordinator is available to meet on any campus by appointment. Members of the College community may contact the Title IX Coordinator in order to seek information about courses of action available to resolve reports or complaints that involve sexual misconduct; to file a formal complaint; to get information about available resources and supports services available to victims of sexual misconduct; and, to ask any questions concerning College Policies and Procedures relating to sexual misconduct.

Certain College employees will be designated Confidential Resources for purposes of this policy. Confidential Resources are not considered to be Mandated Reporters – that is, upon receipt of a report of alleged sexual misconduct, Confidential Resources are not required to notify the Title IX Coordinator. An individual seeking support or guidance with respect to an alleged incident of sexual misconduct may contact any Confidential Resource, who will normally keep private the individual's identity and any other information concerning the incident.

The College recognizes that allegations of sexual misconduct are a sensitive subject for all parties involved and is committed to maintaining the privacy of the parties involved to the fullest extent possible, consistent with applicable law and the need for investigation and resolution. The College, through the Title IX Coordinator, may sign a formal complaint to initiate the investigation and formal resolution process even when the individual making a report of sexual misconduct requests anonymity or requests that no action be taken. Thus, absolute confidentiality cannot be guaranteed. In all cases, the College will take care to protect the identity of the parties through processes that provide for discussion of the allegations only among those who have a legitimate administrative, investigative, or legal need to know.

V. College Aid to Victims of Sexual Misconduct

The President is authorized and directed to establish procedures to provide victims of

¹ The President is authorized to change the designation of the Title IX Coordinator by a procedure that provides the name and contact information of the Title IX Coordinator similar to the information provided in this Policy. Upon adoption of the procedure with this information and the posting of notice of the change to the College's web site, this Policy may be modified by direction of the President to substitute the new information about the Title IX Coordinator without the need for further action of the Board of Trustees.

sexual misconduct with reasonable accommodations (e.g., changes in academic, transportation and/or working situations) and/or supportive measures that will be made available upon a report of sexual misconduct to a victim of sexual misconduct, regardless of whether the victim chooses to report the sexual misconduct to campus security or local law enforcement.

VI. Investigation

All reports of sexual misconduct will be taken seriously and investigated as appropriate. The President is authorized and directed to establish procedures for the investigation of such reports, which shall provide for a prompt, thorough, and impartial process.

VII. Time Frame

The College strives to investigate all complaints within sixty (60) days after the filing of a complaint. Actual resolution time may vary depending on many factors, including but not limited to, the complexity of the investigation and the severity and extent of the alleged misconduct.

VIII. Sanctions

It is presumed that a Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. Individuals found to have committed sexual misconduct in violation of this Policy will be subject to disciplinary action in accordance with applicable College policies and procedures and/or collective bargaining agreements.

Employees found in violation of this Policy are subject to disciplinary action in accordance with the applicable College policies and procedures for disciplinary action and discharge (34002 and 34003), or, for bargaining unit members, the applicable procedures in the collective bargaining agreement. Sanctions will be based on the circumstances and nature of the violation, ranging from a reprimand up to and including termination of employment. Students found in violation of this Policy are subject to disciplinary action in accordance with procedures set forth in the Student Code of Conduct (42001). Sanctions will be based on the circumstances and nature of the violation and include, but are not limited to, a warning, disciplinary probation, community service, participation in sexual misconduct education programming, suspension and dismissal from the College. In the event of sexual misconduct by a third party against a College student or employee, the College will take appropriate action within its control to address the misconduct and prevent its recurrence, including but not limited to, referring to local law enforcement to issue a "No Trespass" notice denying access to the College's buildings and grounds.

As required or appropriate, parties will be informed of the outcome of any resolution process based on a violation of this Policy.

Persons who commit sexual misconduct in violation of federal, state, or local law may also be subject to criminal charges and penalties as a result of related legal proceedings.

IX. Evidentiary Standard

In any investigation and/or disciplinary proceeding concerning an alleged violation of this Policy, the finding will be determined by a preponderance of the evidence. The burden of collecting evidence and proving a violation of policy is the responsibility of the College

and not the individuals.

X. Good Faith Reporting

Allegations of sexual misconduct are extremely serious, with potential for great harm to the accused if ill-conceived or made with malice. An individual found to have knowingly filed a false allegation may be subject to separate appropriate disciplinary action. A complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation of sexual misconduct.

XI. Retaliation

The College prohibits retaliation by anyone in the College community against an individual because the individual reports or complains about sexual misconduct or participates in the College's investigation or proceedings related to an allegation of sexual misconduct. When the College is aware of possible retaliation, it will take immediate and appropriate steps to investigate. Students or employees who commit retaliation in violation of this Policy are subject to appropriate disciplinary action. The Complainant or participants in any report or investigation of sexual misconduct who believe they have experienced retaliation in violation of this Policy should immediately report such conduct to the Title IX Coordinator.

XII. Education

Education is a key element of this Policy. Notice of this Policy will be provided to all students during admissions and all employees during onboarding. The College will provide education and information, as appropriate, for students and employees to enhance understanding and increase awareness of the College's Sexual Misconduct Policy and Procedures. Sufficient periodic training will be conducted for Mandated Reporters and for those involved in the investigation and resolution of complaints and appeals, as determined by the President. Records and verification of all training will be maintained by the Title IX Coordinator and published on the Title IX website. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing education programs to increase knowledge and share information and resources to prevent sexual misconduct, promote safety, and reduce perpetration. Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of conduct that is proscribed; (c) informing employees, students, and other members of the college community, including contractors, about the proper way to recognize and address complaints involving a violation of this Policy; (d) preventing issues that this Policy addresses, and; (e) identifying the necessary steps for preventing sexual misconduct and addressing its effects.

XIII. The President is authorized and directed to establish procedures to implement this Policy.

Board Approval: December 15, 2014; September 21, 2015; June 17, 2019 (Administrative correction); June 22, 2020; January 25, 2023

Chapter: Personnel

Modification No. 007Subject: **Sexual Misconduct****I. Introduction**

A. Montgomery College is committed to establishing and maintaining an environment in which all members of the Montgomery College community can work and participate in College education programs and activities free from all forms of sexual misconduct, as defined in Section II below. Sexual misconduct will not be tolerated and the College will consider any violation as a significant act of misconduct that will result in disciplinary action. When made aware, the College will take immediate action to stop the misconduct, prevent its recurrence, and remedy its effects. The resolution processes described herein relating to reports of sexual misconduct will be prompt, thorough, and impartial and provide a meaningful opportunity for each party to be heard. The process will be conducted by College officials who, at minimum, receive annual training on issues related to sexual misconduct.

B. Complainant and Respondent Rights

1. Treatment with dignity, respect, and sensitivity by the official of the College during all phases of the disciplinary process.
2. A fair and impartial investigation.
3. Disciplinary proceedings and resolutions that are prompt and equitable and provide an opportunity for the complainant and respondent to be heard, including the provision of a live hearing.
4. Availability of Supportive Measures, regardless of whether a formal complaint is filed.
5. Timely written notice of:
 - a. The reported violation, including date, time, and location of the alleged violation;
 - b. The availability of informal resolution options;
 - c. The range of potential sanctions associated with the alleged violation;
 - d. The parties' rights and responsibilities under the sexual misconduct policy and information regarding other civil and criminal options;
 - e. The date, time, and location of each hearing, meeting, or interview that the parties are required or permitted to attend;
 - f. A final determination made by the College regarding whether or not a violation occurred and the basis for the determination;
 - g. Any sanction imposed; and
 - h. The right to appeal and a description of the appeal process.
6. Participation in the disciplinary proceedings, including:

- a. Access to the evidence regarding the incident obtained by the College during the investigation or considered by the College, with personally identifiable or other information redacted as required by applicable law;
 - b. Offering testimony during the proceedings;
 - c. Submitting evidence, witness lists, and suggested specific questions to be posed to the other party(ies) involved in the disciplinary proceedings;
 - d. Providing and reviewing testimony electronically or in a way in which the parties are not required to be in the physical presence of the other;
 - e. Reviewing and providing written responses to the investigation report; and
 - f. Appealing a determination or sanction.
- C. Nothing in this Procedure shall supersede the legal obligations of a College employee or the College to comply with mandatory reporting laws, such as those applicable to sexual or other abuse of minors. In all cases, College employees and the College will comply with Montgomery College Policy 75005-Protection of Minors.

II. Applicability

Sexual misconduct is prohibited between students, between employees, between students and employees, and by students or employees against contractors, vendors, or other individuals whose relationship to the student or employee is through the College's facilities, programs, or activities. Similarly, the College will not tolerate sexual misconduct by College contractors, vendors, or other third parties, including visitors and guests to the College, whose relationship to the victim is through the College's facilities, programs, or activities.

- A. These procedures apply regardless of the sex, sexual orientation, or gender identity and expression of either the perpetrator or the victim of sexual misconduct.
- B. These procedures apply to sexual misconduct that:
 1. occurs on College premises, including any property owned or leased by the College (including College vehicles) or that the College has permission to occupy for purposes of conducting a College-sponsored program or event;
 2. occurs in connection with any College-sponsored, College-recognized, or College-approved activities within the United States (e.g., off-campus education programs and activities such as College-sponsored field trips, athletic team travel, and events for officially recognized College clubs that occur off campus, and social activities for employees sponsored by the College or relating to the business of the College);
 3. occurs during business travel within the United States or otherwise in connection with College-related business; and,
 4. sexual harassment on or off campus in any College program or activity

that impacts equal educational access.

- C. All incidents of sexual misconduct should be reported so that the College may determine whether the conduct falls within the scope of the Policy and may respond appropriately under these procedures.

III. Definitions

The following capitalized defined terms are used throughout the Procedure:

- A. Advisor – A person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct questioning for the party at the hearing, if any.
- B. Complainant - refers to an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- C. Confidential Resource – specific College employees whose role under this procedure is limited to providing confidential support and guidance to any individuals who wish to discuss alleged incidents of sexual misconduct. Confidential resources are specific College employees who are not considered to be Mandated Reporters and therefore are not required to notify the Title IX Coordinator (or alternatively, if the sexual misconduct is by or against an employee, the Director of Employee and Labor Relations) upon receipt of a report of sexual misconduct.
- D. Consent – a knowing, voluntary, and affirmatively communicated willingness to participate in a particular sexual activity or behavior. Only a person who has the ability and capacity to exercise free will and make rational, reasonable judgment can give Consent. Consent may be expressed either by words and/or by actions as long as those words and/or actions create a mutually understandable agreement to engage in specific sexual activity. It is the responsibility of the person who wants to engage in sexual activity to ensure that they have consent from the other party, and that the other party is capable of providing consent.
 - 1. Lack of protest or resistance is not consent, nor may silence, in and of itself, be interpreted as consent. For that reason, relying solely on non-verbal communication can lead to misunderstanding.
 - 2. Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
 - 3. Previous relationships, including past sexual relationships or prior consent cannot imply consent to future sexual acts.
 - 4. Consent must be present throughout sexual activity and may be withdrawn at any time. If there is confusion as to whether there is consent or whether prior consent has been withdrawn, it is essential that the participants stop the activity until the confusion is resolved.
 - 5. In order to give effective consent, one must be of legal age, as defined by applicable Maryland law.

Sexual activity that is forced or coerced is by definition non-consensual. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome resistance or produce consent. There is no requirement that a party resist the sexual advance or request, but resistance is a clear demonstration of non-consent. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure used to obtain consent. Frequency, intensity, isolation, and duration of the behavior will be considered in making a determination of whether coercion occurred. When a party makes clear that they do not want to engage in sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Coercing someone into sexual activity violates this Policy in the same way as physically forcing someone into sex.

It is a violation of Policy 31001 to engage in sexual activity with someone whom one knows to be — or based on the circumstances should reasonably have known to be — mentally or physically incapacitated. To be incapacitated means that a person's decision-making ability is impaired such that they lack capacity to understand the "who, what, where, why, or how" of their sexual interaction. Incapacitation may result from sleep or unconsciousness, temporary or permanent mental or physical disability, involuntary physical restraint, or the influence of drugs or alcohol.

- E. Corrective Action – action(s) recommended by the Hearing Officer in consultation with appropriate administrator to be taken to sanction the Respondent and provide appropriate remedies to the Complainant, if the Hearing Officer concludes that there has been a violation of the College's Sexual Misconduct Policy.
- F. Dating violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- G. Domestic violence – encompasses a broad range of behaviors, including Sexual Assault, physical abuse and other forms of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant, or by any other person against an adult or youth Complainant protected from those acts by domestic or family violence laws of Maryland.
- H. 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. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator, or through the [Sexual Misconduct Report form](#).

- I. Formal Resolution – one of several available routes for resolution of allegations of sexual misconduct under this Procedure. Formal Resolution involves a prompt, fair, and impartial fact-finding Investigation and live hearing.
- J. Incapacitated - an individual who is Incapacitated is unable to give Consent to sexual contact. States of Incapacitation include sleep, unconsciousness, intermittent consciousness, or any other state where the individual is unaware that sexual contact is occurring. Incapacitation may also exist because of a mental or developmental disability that impairs the ability to Consent to sexual contact. Alcohol or drug use is one of the prime causes of Incapacitation. However, a person is not incapacitated merely because they have been drinking or using drugs. Where alcohol or other substances are involved, incapacitation is determined by how the substance impacts a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. Because the impact of alcohol or other drugs varies from person to person, evaluating whether an individual is Incapacitated, and therefore unable to give Consent, requires an assessment of whether the consumption of alcohol or other drugs has rendered the individual physically helpless or substantially incapable of:
 - 1. making decisions about the potential consequences of sexual contact;
 - 2. appraising the nature of one's own conduct;
 - 3. communicating Consent to sexual contact; or
 - 4. communicating unwillingness to engage in sexual contact.
- K. Informal Resolution – a remedies-based, non-judicial style approach designed to address allegations of sexual misconduct without taking disciplinary action against a Respondent. Informal Resolution may not be appropriate for resolving allegations of some types of sexual misconduct.
- L. Initial Title IX Intake– an assessment, conducted by the Title IX Coordinator upon receipt of a report of an alleged violation of Policy 31001- Sexual Misconduct, to provide an integrated and coordinated response to a report of sexual misconduct.
- M. Supportive Measures – individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.
- N. Investigation – a prompt and thorough process for providing a fair and reliable means of gathering relevant and factual information in the course of Formal Resolution.
- O. Investigator – the College official, or designee, responsible for conducting investigations of reports of sexual misconduct. The College may engage internal or external individuals who are trained to conduct the resolution processes described in these procedures.
- P. Hearing Officer - is a "presiding officer" in a full hearing for the purpose of conducting a full adjudicative proceeding under this policy.

- Q. Mandated Reporter - College employees who have the responsibility to notify the Title IX Coordinator when they are made aware of a student or employee experiencing sexual misconduct. Mandated Reporters do not have the Authority to implement corrective action or resolve a report of sexual misconduct.

For student Complaints, Mandated Reporters are:

- Instructional Faculty and Faculty Department Chairs,
- Coaches,
- Athletic trainers,
- Administrators (including but not limited to the Title IX Coordinator),
- Campus Public Safety Officers, and

For employee Complaints, Mandated Reporters are:

- Administrators (including but not limited to the Title IX Coordinator and the Director of Employee Relations, Diversity, and Inclusion),
- Supervisors, and
- Campus Public Safety Officers

- R. Respondent – refers to an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
- S. Retaliation – Intimidation, threats, coercion, or discrimination for the purpose of interfering with any right or privilege secured by title IX..
- T. Sexual Assault – An offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
- Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
 - Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.
- U. Sexual Harassment – Conduct on the basis of sex that satisfies one or more of the following:
1. An employee conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct; or
 2. unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; or

3. any instance of sexual assault, dating violence, domestic violence, or stalking.
- V. Sexual Misconduct – is an umbrella term that encompasses Dating Violence, Domestic Violence, Sexual Violence, Sexual Harassment, Sexual Assault, and Stalking. Sexual Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual Misconduct can be committed by any person, regardless of gender identity, and can occur between people of the same or different sex, sexual orientation, or gender expression.
- W. Support Person - an individual age eighteen (18) or older who is not a Complainant or Respondent to the alleged misconduct and who serves as a silent and non-participating presence during any part of the processes under this Procedure. The role of the Support Person is solely to observe and provide moral support to a Complainant or Respondent in a way that does not disrupt or delay the process.
- X. Stalking – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker 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. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim.
- Y. Third-Party Witness - an individual who may have relevant direct or circumstantial knowledge or information about the alleged misconduct.
- Z. Title IX Coordinator – the College administrator who oversees the College's centralized review, investigation, and resolution of reports of sexual misconduct. The Coordinator also oversees the College's overall compliance with Title IX. The Title IX Coordinator is responsible for:
1. providing oversight of the investigation and resolution of all reports of sexual misconduct;
 2. recommending updates to the College's policies and procedures related to sexual misconduct;
 3. designing and/or providing or overseeing training on sexual misconduct and the implementation of the College's 31001- Sexual Misconduct Policy and Procedure;
 4. advising any individual, including a Complainant, a Respondent, or a third party, about the courses of action available at the College, both informally and formally, and in the community;
 5. implementation of supportive measures

6. providing assistance to any College employee or student regarding how to respond appropriately to a report of sexual misconduct;
7. monitoring full compliance with all procedural requirements and time frames outlined in this Procedure; and,
8. training, prevention, and education efforts and periodic reviews of climate and culture.

The College's current Title IX Coordinator is:

Kristen Roe
9221 Corporate Blvd.
Rockville, MD 20850
240-567-4279
kristen.roe@montgomerycollege.edu

IV. Confidential Resources

Generally, it is not confidential when a person reports Sexual Misconduct. If a person desires to keep an incident of Sexual Misconduct confidential, they should speak with individuals who have professional or legal obligations to keep communications confidential. When seeking advice and support, persons should always consider whether they want to discuss their concerns with a confidential resource. Unless there is an imminent threat to health or safety or other basis for disclosure, such as child abuse, confidentiality applies when persons seek services from the following resources.

A. Internal Confidential Reporting

1. Certain College employees have been deemed Confidential Resources for purposes of this Procedure:
 - a. For Students (contact a counselor directly):

Rockville Counseling Department
240-567-5063 or 240-567-4104

Germantown Counseling Department
240-567-7734

Takoma Park/Silver Spring Counseling Department
240-567-1480
 - b. For Employees:

Office of the Ombuds
240-687-6199
ombuds@montgomerycollege.edu
2. Confidential Resources may need to make reports or a disclosure as required by the Jeanne Clery Act. Such reporting for purposes of the Clery Act does not require a Confidential Resource to reveal an

individual's identity.

3. Discussing an alleged incident of sexual misconduct with a Confidential Resource will not lead to an investigation or resolution of the incident. Confidential Resources do not have the authority to establish supportive measures or take corrective action.

B. External Confidential Reporting

Individuals who are seeking information and support may also contact the following organizations. Please note, however, that disclosures or reports made to any of these organizations may not be required to be kept confidential as a matter of law.

1. Resource for Employees

Faculty Staff Assistance Program
1-800-935-9551 (24-hour hotline)
1-800-855-288 TTY
<http://www.fadv.com/eapsap/>

2. Community Resources for Students and Employees

Montgomery County Victim Assistance and Sexual Assault Program (VASAP)
1301 Piccard Drive, Suite 4100
Rockville, MD 20850
240-777-4357 (24-hour crisis hotline)
240-777-1347 TTY

V. Reporting Sexual Misconduct

The College encourages all individuals to make a report to the College and to local law enforcement whenever a crime may have been committed. The College will assist Complainant who wish to report sexual misconduct to law enforcement authorities. Reports to law enforcement and reports to the College can be pursued simultaneously.

A. Emergency Situations

1. If there is an immediate threat, if possible and necessary go to a safe location, and if injured, seek immediate medical attention.
2. Call 911 first, then call 240-567-3333 or go to the nearest Office of Public Safety:
 - a. Germantown Campus Public Safety
282 Science and Applied Sciences (SA) Building
 - b. Rockville Campus Public Safety
101 Counseling and Advising (CB) Building
 - c. Takoma Park/Silver Spring Public Safety
117 Charlene Nunley Student Services (ST) Building

B. Internal Reporting

1. A report of sexual misconduct may be made at any time. Members of the College community are encouraged to make reports promptly in order to maximize the College's ability to obtain evidence, identify potential witnesses, and conduct a thorough, prompt, fair, and equitable investigation.
 - a. Students may report alleged sexual misconduct:
 - i. to the Title IX Coordinator in person, by mail, or electronic mail;
 - ii. to any other Mandated Reporter, as defined in Section III; or
 - iii. through the online Formal [Sexual Misconduct Report Form](#)
 - b. Employees and other members of the College community who are not students may report sexual misconduct:
 - i. to the Title IX Coordinator in person, by mail, or electronic mail;
 - ii. to the Director of Employee and Relations;
 - iii. to any other Mandated Reporter, as defined in Section III; or
 - iv. through the online [Sexual Misconduct Report Form](#).
 - c. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.
 - d. When the College has knowledge of sexual harassment, but the Complainant has chosen to not file a formal complaint, the Title IX Coordinator may sign a formal complaint initiating the formal resolution process. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during the resolution process.
2. Upon receiving a report, the College shall immediately inform the Complainant of available options about the involvement of law enforcement, including the Complainant's option to:
 - a. notify law enforcement authorities, including the campus Public Safety and local police;
 - b. decline to notify such authorities; and
 - c. be promptly assisted by the College, at the victim's request, in notifying local law enforcement authorities and in obtaining appropriate medical attention, including arranging transportation to the nearest hospital equipped with the Maryland State Police

sexual assault evidence collection kit. In Montgomery County, the only facility equipped with the Maryland State Police sexual assault evidence collection kit (SAFE) and specially trained forensic nurses is:

Shady Grove Adventist Hospital
Forensic Medical Unit
9901 Medical Center Drive
Rockville, MD 20850

This is the best option to ensure preservation of evidence that may assist in proving that a criminal offense occurred or may be helpful in obtaining a protection order.

3. The College will provide support that can assist each Complainant in making decisions about whether or not to request any particular course of action. To the extent possible and reasonable, the College will respect a Complainant's autonomy in deciding how to proceed. In this process, the College will balance the Complainant's interest with its obligation to provide a safe and non-discriminatory environment for all members of the College community.

4. Safe Harbor

To encourage reporting, an individual who reports sexual misconduct, either as a Complainant or a Third-Party Witness, will not be subject to disciplinary action by the College for a violation of the College's alcohol or drug use policies if:

- a. The violation occurred during or near the time of the alleged sexual misconduct violation;
- b. The individual is determined to have made the report or is participating in an investigation as a witness in good faith; and
- c. The College determines that the violation was not an act that was reasonably likely to place the health or safety of another individual at risk.

The College may, however, initiate an educational or employment discussion or pursue other remedies regarding alcohol or other drugs.

5. Obligations of "Mandatory Reporters"

A Mandatory Reporter must promptly notify the Title IX Coordinator of any report of Sexual Misconduct brought to their attention, including Public Safety. The Title IX Coordinator works collaboratively with the reporting entity, making every effort to operate with discretion and maintain the privacy of the individuals involved. The Mandatory Reporter is not authorized to take corrective action.

- C. External Reporting

In addition, members of the College community may also report instances of sexual misconduct to applicable federal, state, or local government agencies

responsible for enforcing laws prohibiting sexual harassment against students or employees. For more information please contact:

U.S. Department of Education
Office for Civil Rights
800-421-3481
OCR@ed.gov

Montgomery County Office of Human Rights
Compliance Section
240-777-8450
Human-Rights.Administration@montgomerycountymd.gov

D. Retaliation

The College prohibits retaliation by anyone in the College community against an individual because the individual reports sexual misconduct or participates in the College's processes related to an allegation of sexual misconduct as described in this Procedure. When the College is aware of possible retaliation, it will take immediate steps to investigate. Students or employees who commit retaliation in violation of Policy 31001 are subject to appropriate disciplinary action. A Complainant or other participant in any proceedings described in this Procedure who believes they have experienced retaliation in violation of Policy 31001 should immediately report such conduct to the Title IX Coordinator.

VI. Resolution Process

A. Initial Title IX Assessment

1. The College will meet with the Complainant to conduct an Initial Title IX Assessment when made aware of an allegation. For allegations involving students, the Title IX Assessment will be conducted by the Title IX Coordinator. For allegations involving employees, the Title IX Assessment will be conducted by the Director of Employee and Labor Relations. The Initial Title IX Assessment will:
 - a. Assess any immediate threats to the safety of the Complainant and the College community;
 - b. Inform the Complainant of their right to seek medical treatment and report to law enforcement;
 - c. Provide supportive measures to ensure equal educational access;
 - d. Determine whether the allegation could be a possible violation of the Sexual Misconduct policy
 - e. Provide the Complainant a copy of the Sexual Misconduct Policy and information on any College and community resources;
 - f. Discuss adjudication options and procedures for resolution;
 - g. Inquire about the Complainant's expressed preference regarding

confidentiality and resolution, including any request that no further action be taken; and

- h. Determine next steps, including possibility of informal resolution, initiation of a formal investigation, no cause, referral to appropriate disciplinary process, or referral for timely warning under the Clery Act.

2. Dismissal (Mandatory and Discretionary)

The College must dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

- a. The conduct alleged in the Formal Complaint would not constitute Title IX Sexual Harassment as defined above, even if proved
- b. The conduct did not occur in an educational program or activity controlled by the College (including buildings or property controlled by recognized student organizations), and/or the College does not have control of the Respondent
- c. The conduct did not occur against a person in the United States
- d. At the time of filing a Formal Complaint, a Complainant is not participating in or attempting to participate in the College's education program or activity, and based on the available information, the Title IX Coordinator has determined that they do not need to sign a Formal Complaint on behalf of the College

The College may dismiss a Formal Complaint or any allegations therein if, at any time during the investigation or hearing:

- a. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein
- b. The Respondent is no longer enrolled in or employed by the College
- c. Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein

A Complainant who decides to withdraw a complaint may later request to reinstate it or refile it.

Upon any dismissal, the College will promptly send written notice of the dismissal and the rationale for doing so simultaneously to the parties.

This dismissal decision is appealable by any party under the procedures for appeal.

3. Allegations Made by a Third-Party Witness

- a. Any person may report sexual misconduct whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sexual misconduct, in person, by mail, by

telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.

- b. If a report has been made by a Third-Party Witness or other individual with knowledge of sexual misconduct but no report has been made by the individual against whom the violation is alleged to have been committed, the Title IX Coordinator will contact the individual against whom the violation is alleged to have been committed.
- c. The Title IX Coordinator will provide the individual an opportunity to make a formal complaint, review supportive measures, and to become a Complainant for purposes of this Procedure.
- d. The individual is not obligated to make such a report or to participate in the Initial Title IX Assessment or any subsequent processes.
- e. In addition, the individual may request that the College not investigate or take any action against the Respondent.

B. Supportive Measures

As part of the Initial Title IX Assessment, the College will make an immediate assessment of whether supportive measures are appropriate based on the particular circumstances. The College will treat complainants and respondents equitably, meaning that for a complainant, the College will offer supportive measures, and for a respondent, the College will follow the adjudication process before imposing disciplinary sanctions. These steps ensure the restoration or preservation of equal educational access of the parties, protect safety, and deter sexual harassment without unreasonably burdening the other party. Supportive measures are available to both parties and to the Complainant, regardless if a formal complaint is filed. When deemed in the best interests to protect the parties and the College community, the following interim remedies can be implemented with proper notice to both parties where appropriate:

- a. Providing information on available medical services;
- b. Access to counseling services and assistance in setting up initial counseling appointment, both on- and off-campus;
- c. Imposition of campus "No Contact Letter" (i.e., an official College directive that serves as a notice to an individual that they must not have verbal, electronic, written, or third-party communications with another individual);

- d. Change in work schedule or job assignment or reassignment to other work group/team, or an alternative supervisor/management relationship;
- e. Limit an individual or organization's access to certain College facilities or activities pending resolution of the matter;
- f. Voluntary leave of absence;
- g. Providing an escort to ensure safe movement between classes and activities;
- h. Rescheduling of assignment(s) and/or examination(s) (in consultation with appropriate faculty);
- i. Providing alternative course completion options (with the agreement of the appropriate faculty);
- j. Change in class schedule, including the ability to take an "incomplete," drop a course without penalty, or transfer sections (with the agreement of the appropriate faculty);
- k. Providing academic support services, such as tutoring;
- l. Any other remedy that can be tailored to protect the parties and achieve the goals of this policy; and
- m. Where a respondent poses an immediate threat to the physical health or safety of the complainant or the campus community, emergency interim withdrawal or College-imposed leave:
 - i. For students, emergency interim withdrawal pursuant to Campus Behavioral Intervention Teams - 42002; or
 - ii. For employees, College-imposed leave pursuant to Disciplinary Action and Suspension - 34002.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns.

All individuals are encouraged to report to the Title IX Coordinator concerns about failure of another individual to abide by any restrictions imposed by a supportive measure. The College will take immediate and responsive action to enforce the measure.

C. Grievance Process

The College resolves sexual misconduct complaints in one of two ways: informal resolution and formal resolution.

1. Informal Resolution – includes a variety of informal options for resolving

reports.

2. Investigation and Formal Resolution – includes an investigation, review, live hearing, outcome determination, and sanctions, if applicable.

D. Informal Resolution

The informal resolution process may be used at any point prior to reaching a determination of responsibility as long as a formal complaint has been filed and an employee is not the respondent. The College may use mediation or other informal mechanisms for resolving complaints related to a complaint alleging violation of this policy if:

1. All parties provide voluntary, written consent to use the informal process;
2. The College participates in the informal resolution by providing trained staff;
3. The alleged misconduct does not involve sexual assault or sexual coercion; and
4. All parties are provided with a written notice that includes:
 - a. The allegations.
 - b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations.
 - c. At any time prior to agreeing to a resolution, the right of any party to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.
 - d. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
 - e. For the purposes of this procedure, a student employee is not considered an employee for purposes of informal resolution.

E. Investigation of a Formal Complaint

1. An investigation/formal resolution begins with the filing of a formal complaint by the Complainant or Title IX Coordinator.
2. The College shall initiate a prompt, thorough, and impartial Investigation to gather relevant information. Any subsequent disciplinary proceedings and resolutions shall be prompt and equitable and provide an opportunity for the Complainant and Respondent to be heard.
3. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence; and identifying sources of expert information, as necessary. All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence, on the record.
4. A Notice of Investigation will be issued to both parties within ten (10) business days upon determination by the Title IX Coordinator that the alleged offense is within scope of the Policy and will include the

following:

- a. Summary of the allegation, including time, date, and location of the alleged violation;
 - b. Potential violation(s) of Policy 31001 – Sexual Misconduct;
 - c. List of possible sanctions that may be imposed upon a finding that a violation has occurred;
 - d. The identity of the Investigator (and any applicable assistant);
 - e. Available College and community resources and services;
 - f. Invitation for both parties to submit a written statement and identify any third-party witnesses with information relevant to the complaint;
 - g. The rights and responsibilities of each party
 - 1) statement that the respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the formal resolution process;
 - 2) a statement that the parties may request to see and review evidence collected in an investigation.
 - 3) The right to a Support Person and an Attorney or Non-Attorney Advisor, and the roles of such persons;
 - h. Availability and possibility of criminal and civil court options;
 - i. An outline of the process, including the contact information for the investigator and any required meetings that may be required; and
 - j. The College's prohibition against retaliation.
5. The Investigation will be conducted by an investigator (internal or external) who is trained on the definition of sexual harassment under Title IX regulations, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, bias, and issues of relevance to create an investigative report that fairly summarizes relevant evidence..
 6. An investigation typically contains the following elements:
 - a. Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the respondent.
 - b. Complete the investigation promptly and without unreasonable deviation from the intended timeline.
 - c. Conduct interviews with the Complainant and Respondent to gather facts about the allegation.
 - d. Allow each party the opportunity to suggest witnesses and offer potential questions to consider asking to help uncover relevant facts related to the allegation.
 - e. Interview all available relevant witnesses and conduct follow-up interviews as necessary.

- f. If and when additional material alterations to allegations arise, communicate this promptly to the parties. This notice will provide the parties with a summary of the additions or alterations of the allegations, as well as any changes to the policies implicated.
- g. Provide the parties and witnesses an opportunity to review and verify the investigator's summary notes from their respective interviews and meetings.
- h. Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence, copies of which are to be included in an appendix to the report.
- i. At the conclusion of the investigation, provide the parties and their respective advisors (if so desired by the parties) a copy of the draft investigation report.
- j. Provide the parties with an equal opportunity to inspect and review the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the College does not intend to rely in reaching a responsibility determination, so that each party may meaningfully respond to the evidence.
- k. Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which the College does not intend to rely in reaching a determination, for a ten (10) calendar-day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten (10) days.
- l. Incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period.
- m. Incorporate any relevant feedback and share the final report with all parties and their Advisors at least ten (10) calendar days prior to a hearing. The parties and Advisors are also provided with a file of any directly related evidence that was not included in the report.
- n. Within 3 days of receiving the final investigation report, if the Parties wish to propose any additional witnesses not included in the investigation, notice must be provided to the Title IX Coordinator including list of the names of witnesses.
- o. No unauthorized audio or video recording of any kind is permitted during investigation meetings. If investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of and consent to audio and/or video recording.

7. The College may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the recipient; or specific circumstances prevent the recipient from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
8. Upon a dismissal, the College must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. The notice must contain information about the appeal process.

F. Advisors

1. The parties may each have an Advisor of their choice present with them for all meetings, interviews, and hearings within the Resolution Process, if they so choose. The parties may select whoever they wish to serve as their Advisor as long as the Advisor is eligible and available.

Choosing an Advisor who is also a witness in the process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s).

The College may permit parties to have more than one Advisor upon special request to the Title IX Coordinator. The decision to grant this request is at the sole discretion of the Title IX Coordinator and will be granted equitably to all parties.

2. The advisor may be a friend, mentor, family member, attorney, union representative or any other individual a party chooses to advise and consult with them throughout the resolution process. The parties may choose advisors from inside or outside the Montgomery College community. The Title IX Coordinator will also offer to assign a trained Pool member to serve as an advisor for any party if the party so chooses. The parties may choose their advisor from the Pool, a non-trained advisor from outside the pool, or proceed without an advisor.
3. The parties may be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help their advisees prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.
4. Montgomery 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. The College will, however, provide a party with an advisor selected by the Title IX Coordinator from the Pool if a hearing proceeding takes place and the party has not previously been accompanied by an advisor. A College-appointed advisor is a process advisor who is trained on the institutional process and how to conduct

appropriate cross-examination during the hearing. The advisor provided by the College is not an advocate or attorney and is not able to provide the same kinds of advice that an advocate or attorney is trained to provide, but will act in the best interests of their advisee.

5. Parties may have assistance by a licensed attorney, an advocate supervised by an attorney, or a trained advocate throughout the disciplinary proceedings, including:
 - a. Attendance at hearings, meetings, and interviews,
 - b. Private consultations during hearings, meetings, and interviews, except during a questioning at a hearing; and
 - c. Assistance with the exercise of any rights during the disciplinary proceedings. Notwithstanding the choice that the parties make in regards to the above, the presence of no more than two people, including a personal supporter, an attorney, or an advocate, at any hearing, meeting, or interview during the disciplinary proceedings.
6. Student Right to Paid Counsel for College Disciplinary Proceedings involving Sexual Assault.
 - a. Maryland Law (Education Article of the Annotated Code of Maryland, §11-601) requires the Maryland Higher Education Commission (MHEC) to pay reasonable costs and attorney's fees, subject to state funding and eligibility requirements, for:
 - i. A current or former student who makes a complaint on which a formal Title IX investigation is initiated and who was enrolled as a student at the time of the incident that is the basis of the complaint, unless the student knowingly and voluntarily chooses not to have counsel; and
 - ii. A current or former student who responds to a complaint on which a formal Title IX investigation is initiated and who was enrolled as a student at the time of the incident that is the basis of the complaint, unless the student knowingly and voluntarily chooses not to have counsel.
 - b. In consultation with State and local bar associations and legal services providers with expertise about sexual misconduct, MHEC will develop a list of attorneys and legal services programs willing to represent students on a pro bono (no cost to the student) basis or at fees equivalent to those paid to attorneys under civil legal services programs administered by the Maryland Legal Services Corporation.
 - c. A student may select an attorney from the list developed by MHEC to assist them throughout any disciplinary proceedings.
 - d. If a student selects and retains an attorney who is not on the list developed by MHEC, MHEC will pay fees to the attorney selected by the student that are equivalent to those paid to

attorneys under civil legal services programs administered by the Maryland Legal Services Corporation.

- e. MHEC is not required to pay a student's attorney fees for representation in a criminal or civil matter.
 - f. The College may not discourage a student from retaining an attorney.
 - g. The student right to counsel will not prohibit the College from imposing interim safety measures.
- 7. All advisors are subject to the same College rules, whether they are attorneys or not. Advisors may not address campus officials in a meeting or interview unless invited to. The advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the investigators or other decision-makers except during a hearing proceeding, as described below.
 - 8. The parties are expected to ask and respond to questions on their own behalf throughout the investigation. While the advisor generally may not speak on behalf of their advisee, the advisor may consult with their advisee, either privately as needed, or quietly by passing notes during any resolution process meeting or interview, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks to step out of meetings to allow for private consultation.
 - 9. Advisors may be given an opportunity to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting allows advisors to clarify any questions they may have, and allows the College an opportunity to clarify the role the advisor is expected to take.
 - 10. Advisors are expected to refrain from interference with the College's investigation and resolution. Any advisor who interferes with or obstructs the investigation and resolution process, or otherwise disregards the parameters set forth in this procedure, will be warned once and only once. If the advisor continues to disrupt or otherwise fails to respect the limits of the advisor role, the advisor will be asked to leave the meeting. When an advisor is removed from a meeting, that meeting will typically continue without the advisor present. Subsequently, the Title IX Coordinator will determine whether the advisor may be reinstated or replaced by a different advisor.
 - 11. The College expects that the parties may wish to have the College share documentation and evidentiary information related to the allegations with their advisors. Parties may share this information directly with their advisor, or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process. The College provides a consent form that authorizes the College to share such information directly with the advisor. The parties must either complete this form or provide similar documentation consenting to a release of

information to the advisor before the College is able to share records with an advisor. While the College seeks consent for information sharing with advisors, the College is required to share the final investigation report and directly related evidence with the advisor in order to prepare for the hearing. If a party requests that all communication be made through their attorney advisor, the Institution will comply with that request.

12. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any advisor who does not respect the sensitive nature of the process or who fails to abide by the Institution's privacy expectations.
13. The College expects an advisor to adjust their schedule to allow them to attend College meetings when planned. The College does not typically change scheduled meetings to accommodate an advisor's inability to attend. The College will, however, make reasonable provisions to allow an advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.
14. A party may elect to change advisors during the process, and is not obligated to use the same advisor throughout. The parties are expected to inform the investigators of the identity of their advisor at least one (1) day before the date of their first meeting with investigators (or as soon as possible if a more expeditious meeting is necessary or desired). The parties are expected to provide timely notice to investigators if they change advisors at any time.
15. For parties who are entitled to union representation, the College will allow the unionized employee to have their union representative (if requested by the party) as well as an advisor of their choice present for all resolution-related meetings and interviews. To uphold the principles of equity, when at least one of the parties' request union representation, they are entitled to a non-union representative as well. In such cases, the other party (regardless of union membership) will be permitted to have two advisors. Witnesses are not permitted to have union representation or advisors in resolution process interviews or meetings.

G. Role and Participation of Witnesses

Witnesses (as distinguished from the parties) who are faculty, students, or staff of the College are encouraged cooperate with and participate in the College's investigation and resolution process.

While in-person interviews for both parties and all potential witnesses are ideal, circumstances (e.g. study abroad, summer break) may require individuals to be interviewed remotely using technology. Witnesses may also provide written statements in lieu of interviews, if deemed appropriate by the investigators, though not preferred.

- H. Assurances to Persons Involved, Safeguarding of Privacy. All individuals, including the Complainant, the Respondent, and any Third-Party Witnesses, will be treated with appropriate sensitivity and respect. The Investigator will safeguard the privacy of the individuals involved in a manner consistent with law and College policy and the need to investigate the matter.
- I. Consolidation of Investigations. At the discretion of the Title IX Coordinator, multiple reports may be consolidated against a Respondent(s) in one Investigation, if the evidence related to each incident would be relevant and probative in reaching a determination on the other incident.
- J. Referral for Hearing
Provided that the contested allegations are not resolved through Informal Resolution, the Title IX Coordinator will refer the matter for a hearing at least ten (10) days after the conclusion of the investigation, barring unusual circumstances.

1. Notice of Hearing

At least 10-days prior to the hearing, or as far in advance as is reasonably possible if an accelerated hearing is scheduled with the consent of the parties, the Hearing Officer will send a letter of notice to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. The letter will contain:

- a. A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- b. The time, date, and location of the hearing and a reminder of the importance of their attendance, superseding all other campus activities. If any party does not appear at the scheduled hearing, the hearing will be held in their absence. For compelling reasons, the Hearing Officer may reschedule the hearing.
- c. Notification that the parties may have the assistance of an advisor of their choosing at the hearing (See Section on "Advisors" above). If any party does not have an advisor, the Title IX Coordinator will appoint one from the Pool.
- d. The parties will be provided the names of the Hearing Officer at least ten (10) days in advance of the hearing. All objections to the Hearing Officer must be raised in writing and submitted to the Title IX Coordinator as soon as possible. The Hearing Officer will only be removed if the Title IX Coordinator concludes that the Hearing Officer's bias or conflict of interest precludes an impartial hearing of the allegation.

2. Pre-Hearing

The Hearing Officer, after consultation with the parties as necessary, will provide the names of witnesses who will be participating in the hearing with the parties prior to the hearing. Any witness scheduled to participate in

the hearing must have been interviewed first by investigators [or have proffered a written statement], unless all parties consent to the witness' participation in the hearing.

3. Alternative Hearing Options

If a party or parties prefer not to attend the hearing in person, the parties should request alternative arrangements from the Hearing Officer at least five (5) days prior to the hearing. The Hearing Officer may arrange to use technology to allow remote testimony without compromising the fairness of the hearing.

4. Evidentiary Considerations

- a. Except for the evidentiary prohibitions set forth below, any evidence that the Hearing Officer believes is relevant and credible may be considered, including an individual's prior misconduct history, as well as evidence indicating a pattern of misconduct. When prior misconduct is related to the current allegations, the prior misconduct may be considered at the findings stage of the process; unrelated prior misconduct (e.g. alcohol abuse) will only be considered during sanctioning. The Hearing Officer may exclude irrelevant or immaterial evidence and may choose to disregard evidence lacking in credibility or that is improperly prejudicial.
- b. While previous conduct violations by the respondent are not generally admissible as information supporting the current allegation, the investigator(s) may, after a determination of responsibility is made that may result in sanctions, supply the Hearing Officer with information about previous misconduct, good faith allegations, and/or findings, when that information suggests a potential pattern and/or predatory conduct.
- c. Previous disciplinary action of any kind involving the respondent may be considered in determining the appropriate sanction, because the Institution uses a progressive discipline system.
- d. The Hearing Officer renders a determination based on the preponderance of the evidence, i.e., whether it is more likely than not that the respondent violated policy.

5. Evidentiary Prohibitions

The Hearing Officer shall not consider certain evidence, including:

- a. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior. Such questions and evidence 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.

- b. Questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege..

6. Hearing Procedures

Hearings will usually be convened at least 10-days days from the completion of the final investigative report and will be conducted in private. Participants will include the Hearing Officer, investigator(s) who conducted the investigation, the Complainant and Respondent organizational representatives when an organization is the respondent), advisors and support person to the parties (the parties may have up to two people present, one advisor and one support person), and any called witnesses.

a. Investigator Presents the Report

- i. The Hearing Officer explains the procedures and introduces the participants.
- ii. The investigator(s) will then present the report of the investigation and will be subject to questioning by the Hearing Officer and parties. The investigator(s) will be present during the entire hearing process. Once the investigator(s) present their report and are questioned, the parties may provide relevant information in turn and the Hearing Officer will permit questioning of the parties and witnesses through the respective Advisors.

b. Participation in Hearing

The Complainant and Respondent have the right to be present at the hearing. If, despite being notified of the date, time, and location of the hearing, any party is not in attendance, the hearing may proceed as described below. Neither party is required to participate in the hearing in order for the hearing to proceed. Investigators will be present, unless the Hearing Officer permits an absence under extenuating circumstances.

c. Questioning

- i. Questioning will be permitted of investigators, parties, and witnesses by the advisors to each party and the Hearing Officer, including cross examination contesting a party's or witness's credibility. Direct cross examination by the parties is prohibited; the party's advisor must conduct the cross-examination on behalf of that party.

- ii. The Hearing Officer has absolute discretion to determine which questions are relevant to the determination and may decline to permit certain questions.
- iii. The Hearing Officer may direct that certain live questions, once posed, are not appropriate and should not be answered. In such instances, the Hearing Officer will provide the questioning advisor with a rationale for their exclusion of the specific question(s). The Hearing Officer is responsible for ensuring that neither abusive nor inappropriate questioning occurs. The Hearing Officer will explain, on the record, the reason any question has been determined not appropriate to be answered.
- iv. The Hearing Officer may consult with the College's General Counsel, when needed, to help assess the appropriateness of specific questions. If any party or advisor is disrespectful of or disruptive to the proceedings, the Hearing Officer will take actions they deem appropriate to preserve appropriate decorum.

d. Evidence Presented at the Hearing

- i. Formal rules of evidence do not apply. Any evidence that the Hearing Officer believes is relevant and credible may be considered, except for the prohibitions stated in this procedure. The Hearing Officer is responsible for addressing any evidentiary concerns prior to and/or during the hearing, may exclude irrelevant or immaterial evidence, and may disregard evidence lacking in credibility or that is improperly prejudicial. The Hearing Officer will determine all questions of procedure and evidence. Anyone appearing at the hearing to provide information will respond to questions on their own behalf. An advisor is not permitted to answer questions on behalf of the party.
- ii. Unless the Hearing Officer determines it is appropriate, no one will present information or raise questions concerning: (1) incidents not directly related to the possible violation, unless they evidence a pattern, (2) the sexual history of the Complainant (though there may be a limited exception with respect to pattern, the sexual history between the parties, or where evidence regarding the Complainant's sexual history is offered to prove that someone other than the Respondent engaged in the reported misconduct), if relevant, (3) or the character of the parties. While previous conduct violations by the respondent are not generally admissible as information about the present allegation, the investigators may supply the Hearing Officer with information about previous findings to consider as possible evidence of pattern and/or predatory conduct.

- iii. There will be no observers in the hearing unless an exception is granted by the Hearing Officer. The Hearing Officer will allow witnesses who have relevant information to attend only the portion of the hearing where that witness is responding to specific questions from the Hearing Officer or the parties involved, and then be excused.
 - iv. In hearings involving more than one Respondent or in which two (2) or more complainant's have accused the same individual of substantially similar conduct, the standard procedure will be to hear the allegations jointly; however, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Complainant to be conducted separately, if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent.
 - v. Hearings (except for deliberations) are recorded for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted. The Hearing Officer, the parties, their advisors and appropriate administrative officers of the College will be allowed to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.
- e. Deliberation and Determination of Outcome
- i. The Hearing Officer will deliberate in closed session to determine whether the respondent is responsible or not responsible for the policy violation(s) in question. The Hearing Officer will base the determination(s) on a preponderance of the evidence (i.e. whether it is more likely than not that the respondent committed each alleged violation).
 - ii. If the Hearing Officer concludes that there has been a violation of the College's 31001-Sexual Misconduct Policy, the final determination and implementation of sanctions will be formulated in consultation with the appropriate administrators/disciplinary authority:
 - a) The Hearing Officer and The Director of Employee and Labor Relations and the Chief Human Resources Officer (for matters where the Respondent is an employee), or
 - b) The Hearing Officer and the appropriate Dean of Student Affairs (for matters where the

Respondent is a student).

- iii. All sanctions shall be consistent with the College's applicable policies, depending on the identity of the Respondent.
 - a) Students: [Student Code of Conduct \(42001\)](#)
 - b) Employees: the College's [Disciplinary Action and Suspension Policy \(34002/32002CP\)](#), the College's [Discharge of Administrators and Staff Policy \(34003/34003CP\)](#), the [Personnel Grievance Process for Non-Bargaining Staff \(34101/34101CP\)](#), the grievance procedure under applicable [collective bargaining procedures](#), or any other applicable processes.
- f. Notice of Outcome
 - i. The Hearing Officer will then prepare a written deliberation report and deliver it to the Title IX Coordinator, detailing the finding, the information used in support of its recommendation, and any information the Hearing Officer excluded from its consideration and why. The report should conclude with any sanctions.
 - ii. The Hearing Officer, using the deliberation report, will prepare a letter of outcome and will share the letter with the parties, including the final determination and applicable sanction(s), within three (3) days of sending the deliberative report to the Title IX Coordinator. The letter of outcome will be shared with the parties without significant time delay between notifications. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Institution records, or emailed to the parties' Institution-issued email account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered. The letter of outcome will contain the following information:
 - a) Identify the specific policy(ies) reported to have been violated, including the relevant policy section;
 - b) a description of the procedural steps taken by the College from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties, and witnesses, site visits, methods used to obtain evidence, and hearings held.
 - c) specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at

- issue; a statement of, and rationale for, the result of each allegation to the extent the College is permitted to share such information under state or federal law;
- d) any corrective actions issued which the College is permitted to share according to state or federal law; and any remedies provided to the complainant designed to ensure access to the College's educational program or activity, to the extent the College is permitted to share such information under state or federal law; and
- e) the notification will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any appeals options that are available.

VII. Appeals

- A. Both parties have an opportunity to appeal from a determination regarding responsibility, and from the College's dismissal of a formal complaint or any allegations therein.
- B. An appeal must be filed within ten (10) business days after notice of dismissal or notice of outcome. After this ten-day timeframe, the right to appeal has been waived.
- C. The grounds for appeal are limited to:
 - 1. A procedural error or omission occurred that significantly affected the outcome.
 - 2. To consider new evidence, unknown or unavailable during the original Investigation, that could substantially impact the Investigative Findings and/or Determination (a summary of this new evidence and its potential impact must be included in the written statement of appeal);
 - 3. The Title IX Coordinator, investigator(s), or decision-maker(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.
 - 4. The recommended Corrective Actions are substantially disproportionate to the severity of the violation or fall outside the range of sanctions the College has designated for purposes of its 31001 - Sexual Misconduct Policy.
- D. A written request must be sent to the designated Senior Vice President or designee, hereinafter collectively referred to as the Reviewing Official:
 - 1. The Senior Vice President for Administrative and Fiscal Services (for employees)

2. The Senior Vice President for Student Affairs (for students)
 - E. The designated Senior Vice President may elect to serve as the Reviewing Official or designate another administrator to serve as the Reviewing Official. In any case, the Reviewing Official shall not have a conflict of interest or bias for or against the Complainant or the Respondent. The Complainant or the Respondent may submit a written request to the Reviewing Official, with a copy to the designated Senior Vice President, that the Reviewing Official excuse him/herself. The grounds for such request are limited to: (1) claim of bias, (2) conflict of interest, and (3) inability to be fair or impartial. The request must clearly state the grounds to support a claim of bias, conflict of interest, or an inability to be fair and impartial. This challenge must be raised within two (2) days after receipt of the Investigative Summary. The designated Senior Vice President shall grant or deny the recusal request within two (2) days after receipt of the request.
 - F. Upon receipt of an appeal, the Reviewing Official or their designee shall notify the non-appealing person or persons, and the Title IX Coordinator. The Reviewing Official will provide both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
 - G. The Reviewing Official or their designee will generally be limited to a review of the Investigative Report and evidence file (i.e., the materials collected by the Investigator in the course of conducting the Investigation), the hearing recording, the Hearing Officers deliberative report, the College's 31001-Sexual Misconduct Policy, and any other appropriate College policy and the Respondent's and/or Complainant's written appeal. The Reviewing Official, or their designee, may, in their sole discretion, ask the Title IX Coordinator, the investigator, or the Hearing Officer to clarify the Investigation report, hearing procedure and deliberative report, or remand the report back for additional investigation concerning any new evidence identified in the appeal or to assist in determining whether there was, in fact, a procedural error, if such Reviewing Official or their designee believes such an alleged error may have affected the outcome of the Investigation/Hearing and the -Findings/Determination by the Hearing Officer.
 - H. If the Reviewing Official or their designee determines in the course of their review that there was a procedural error that substantially affected the outcome of the Investigation , or that other circumstances exist requiring additional Investigation and hearing, the Reviewing Official shall order the Investigation and hearing to be reopened subject only to direction/supervision by and any terms/conditions imposed by the Reviewing Official (including, in any case in which substantial bias was present, appointment of a new Investigator or Hearing Officer). No disciplinary action may be carried out prior to the Reviewing Official or their designee expressly so directing in their Notice of Appeal Outcome.
 - I. Within fifteen (15) days after the Reviewing Official receives the appeal, the Reviewing Official or her or his designee shall issue a Notice of Appeal Outcome either upholding the Hearing Findings and Determination and recommended Corrective Action of the Hearing Officer or remanding the case back to the Investigator. The Notice of Appeal Outcome of the Reviewing Official shall be final and will be forwarded simultaneously to the Complainant, Respondent, the Title IX Coordinator, appropriate Senior Vice President, campus Vice President and Provost, and the General Counsel.

1. In the case of an appeal involving a student (i.e., in which either the Complainant and/or Respondent is a student), a copy of the Notice of Appeal Outcome shall be forwarded to the appropriate Dean or to the appropriate campus Vice President and Provost.
2. In the case of an appeal involving a staff member (i.e., in which either the Complainant and/or Respondent is a staff member), a copy of the Notice of Appeal Outcome shall also be forwarded to the Director of Employee and Labor Relations, the Associate Senior Vice President of Human Resources and Strategic Talent Management, the employee's immediate supervisor, and other appropriate administrators.
3. In the case of an appeal involving a faculty member (i.e., in which either the Complainant and/or Respondent is a faculty member), a copy of the Notice of Appeal Outcome shall be forwarded to the Director of Employee and Labor Relations, the Associate Senior Vice President of Human Resources and Strategic Talent Management, the Senior Vice President for Academic and Student Services, the Instructional Dean who has supervisory authority over the faculty member's academic department, and other appropriate administrators.

VIII. Implementation of Corrective Action

- A. If a notice of appeal is not submitted to the appropriate Senior Vice President in accordance with Section VII. above, the appropriate administrators/disciplinary authority shall act to implement the recommended Corrective Action as soon as possible, but no later than twenty (20) days after the appropriate administrators/disciplinary authority receives notice of the corrective action.
- B. If a notice of appeal is submitted to the appropriate Senior Vice President, the appropriate unit administrator/disciplinary authority shall act to implement recommended Corrective Action as soon as possible but no later than twenty (20) days after the appropriate unit administrator/disciplinary authority receives a copy of the Notice of Appeal Outcome containing the final recommended Corrective Action.
- C. Notwithstanding the foregoing, in cases where the Complainant or Respondent is an employee covered by a collective bargaining agreement, the employee may seek review of the recommended Corrective Action (or, if an appeal has been filed, the Notice of Appeal Outcome) under any grievance procedures available under the employee's collective bargaining agreement. If both Complainant and Respondent are employees covered by different collective bargaining agreements, the grievance procedures in the agreement that covers the party challenging the decision shall be used. If a Complainant or Respondent covered by a collective bargaining agreement seeks review of the recommended Corrective Action through the applicable agreement's grievance procedure, they may not also appeal the recommended Corrective Action under this Procedure. However, a Complainant or Respondent may appeal a recommended Corrective Action under this Procedure and then seek review of the Notice of Appeal Outcome under the grievance procedure of the applicable collective bargaining agreement.

If the Hearing Officer makes a Finding or the Reviewing Official makes a final written determination that there has been a violation of the College's policy with respect to a grade awarded to a student, the Hearing Officer or the Reviewing Official shall make no determination with respect to the Corrective Action to be taken regarding a specific grade assignment. The Hearing Finding or final written determination shall be forwarded to the Complainant, Respondent, and the appropriate Dean, who shall select a review committee in accordance with the procedures stated in the Academic Regulations for the review of allegations of arbitrary and capricious grading. The Committee, which is established pursuant to 53001-Academic Regulations to review allegations of arbitrary and capricious grading, shall have no authority to reverse the Investigative Finding or Determination of the Investigator or the final written determination of the Reviewing Official, and shall confine its consideration to a determination of the appropriate Corrective Action with respect to the grade. The Committee shall, within twenty (20) days after appointment of the Committee and its receipt of the Initial Finding and Determination or final written determination, forward to the Investigator and the Reviewing Official, Complainant, and Respondent a written recommendation as to the appropriate Corrective Action with respect to the grade.

Within ten (10) days after receipt of the written recommendation of that Committee, the Senior Vice President for Academic Affairs and the Senior Vice President for Student Services shall review the recommendation of the Committee and, upon completing such review, shall issue a final written determination of the Corrective Action with respect to the grade she or he determines to be appropriate for such violation (which she/he shall implement), and a copy of which shall be forwarded to the Complainant, Respondent, Reviewing Official, and Hearing Officer.

IX. Notice of Final Outcomes

Once an appeal has exhausted the process set forth above, the Notice of Appeal Outcome is the final administrative decision of the College. The Title IX Coordinator shall simultaneously send the Notice of Appeal Outcome to the Complainant and Respondent .

X. Sanctions

- A. Both parties shall be informed of the outcome of any investigation and adjudicative process based on a violation of this policy. The College shall not publicly disclose personally identifiable information about either of the parties, except as required by law.
- B. Employees found in violation of this policy are subject to a range of disciplinary action up to and including discharge, depending on the circumstances (See Appendix I for possible sanctions).
- C. Students found in violation of this policy are subject to disciplinary action based on the circumstances and nature of the violation. Sanctions include, but are not limited to dismissal from the College (suspension or expulsion) and other sanctions provided by 41001-Student Code of Conduct (See Appendix I for possible sanctions).
- D. Persons who commit Sexual Misconduct in violation of federal, state, or local law

may also be subject to criminal charges and penalties.

XI. Records

- A. The Title IX Coordinator and the Director of Employee and Labor Relations will retain records of all reports, regardless of whether the matter is resolved by means of an Initial Title IX Assessment, Informal Resolution or Investigation/Formal Resolution. Reports resolved by means of an Initial Title IX Assessment or Informal Resolution are not part of a student's conduct file or academic record or of an employee's personnel file. Records will be maintained by the Title IX Coordinator for 7 years.
- B. Affirmative findings of responsibility in matters resolved through Investigation/Formal Resolution are part of a student's conduct record and an employee's labor relations record. Such records shall be used in reviewing any further conduct, or developing sanctions, and shall remain a part of a student's conduct record or an employee's labor relations record.
- C. Generally, suspension, demotion, and discharge are permanently noted in an employee's labor relations record. The labor relations records of employees who have been suspended, demoted, or discharged are maintained in the Associate Senior Vice President for Human Resources and Strategic Talent Management Office according to the College's published retention schedule. Further questions about record retention should be directed to the Associate Senior Vice President for Human Resources and Strategic Talent Management Office.
- D. Generally, suspension, expulsion, and withdrawal are permanently noted on a student's transcript. The conduct files of students who have been suspended or expelled from the College are maintained in the Senior Vice President of Student Services Office indefinitely. Conduct files of students who have not been suspended or expelled are maintained in the Dean of Students office for no fewer than seven years from the date of the incident. Further questions about record retention should be directed to the Senior Vice President for Student Services office.

XII. Time Limits

Business days are defined as all days during the calendar year other than Saturdays, Sundays, and days the College is closed.

The Title IX Coordinator, Director of Employee and Labor Relations, and, where appropriate, the Senior Vice Presidents, or designees, may exercise reasonable discretion to adjust the time limits set forth in this procedure.

XIII. Receipt of Notification

Whenever, under these procedures, individuals must be notified in writing, a copy shall be served in person, by certified, return receipt requested mail to the address that is kept on file at the College, or via email. For purposes of computing any time frames under these procedures, where service is by US mail, the date of service shall be considered to be the third day after the postmarked date of the letter. It is the responsibility of the individual to ensure that the College has their current address on file.

- XIV. Pursuant to the President's authority to establish the foregoing Procedure, the President may amend, modify, or supplement this Procedure, or replace the Procedure in whole or in part, at any time and from time to time.

Administrative Approval: June 29, 2015; October 28, 2015; October 11, 2018; June 18, 2019; September 7, 2021; February 22, 2023

Chapter: Personnel

Modification No. 005Subject: **Hate/Violence Activity**

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- I. Montgomery College is committed to maintaining educational and employment environments free from ethnic, cultural and racial hostility, violence, or harassment. Further, the College encourages and promotes a climate of civility and mutual respect among its diverse employees, students and groups that make up the College and Montgomery County communities. The College condemns any and all hate/violence activities, including those acts based on age, color, citizenship status, covered veteran status, disability, gender, gender identity and expression, genetic information, national origin, marital status, race, religion, sexual orientation, or for any other reason to the extent these attributes are not covered in this policy and covered by federal, state and county laws and regulations.
 - II. Montgomery College is a learning community that encourages freedom of thought and expression which maintains civility in the meaningful exchange of ideas. The College's employees and students are encouraged to be the voices and examples of reason and understanding in maintaining community, mutual respect and civility which are consistent with the mission, vision and goals of the College.
 - III. Education is a key element of this policy. The College will provide education and information, as appropriate, for students and employees to enhance understanding and increase awareness of the College's Hate/Violence Policy. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing education programs to promote awareness about hate/violence. Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of conduct that is proscribed; (c) informing employees, contractors, and students about the proper way to recognize and address complaints involving a violation of this policy; (d) preventing issues that this Policy addresses; and (e) identifying the necessary steps for preventing its recurrence and addressing its effects.
 - IV. The President is authorized to support efforts in this area, including governmental, private and individual efforts; to make certain that any individuals who conduct such activities on any of the campuses or at any facility used by the College, at college sponsored-activities, or during the execution of college-related business are referred to appropriate authorities for prosecution to the fullest extent of the law and subjected to appropriate disciplinary action, including dismissal if they are College students or employees; and to establish procedures to implement this policy.

Board Approval: September 21, 1987; September 18, 1990; February 16, 1998; December 13, 2010; February 25, 2013.

Chapter: Personnel

Modification No. 006Subject: **Hate/Violence Activity****I. General**

Any person, including but not limited to an employee, student, facility user, or visitor, who performs acts considered within the purview of hate/violence activities, who conducts or attempts to conduct hate/violence activities and/or encourages, participates in, or assists in hate/violence activities shall be subject to disciplinary action including dismissal and/or referral to the appropriate authorities for prosecution to the fullest extent of the law.

II. Definition

Hate/violence activities include but are not limited to:

- A. Activities which involve the destruction of, injury to, defacement of, or molestation of any person or any real or personal property with the intent of intimidating or attempting to intimidate any person because of personal attributes as age, color, citizenship status, covered veteran status, disability, gender, gender identity and expression, genetic information, national origin, marital status, race, religion, sexual orientation, or for any other reason to the extent these attributes are not covered in this policy and covered by federal, state and county laws and regulations; and/or;
- B. Burning, or causing to be burned, any religious symbol or simulation thereof without the express consent of the College or the owner of the property which is the site of the burning if other than the College, and without prior notification to the serving fire department.

III. Procedures

- A. Any person, including but not limited to an employee, student, facility user, or visitor, who conducts such activities on any of the campuses or at any facility used by the College, at College-sponsored activities, or during the execution of College-related business shall be subject to administrative disciplinary action including dismissal and/or referred to appropriate authorities for prosecution to the fullest extent of the law.
- B. Hate/violence activity by a student at College sponsored activities, on or off campus, as defined in the Student Conduct Code, is a violation of College policy and procedure subject to administrative disciplinary action under the Student Code of Conduct. Such hate/violence activity shall be immediately reported to the appropriate College personnel and external agencies, which includes the Dean(s) of Student Development, the Title IX Coordinator, and/or the Director of Employee Relations, Diversity and Inclusion.
- C. Hate/violence activity by an employee, on property owned, operated, maintained, leased or used by the College, at College-sponsored activities, during the execution of College-related business, or in a manner related to employment at the College, is a violation of College policy and procedure and subject to appropriate disciplinary action under the College's personnel policies and

procedures, up to and including dismissal. Such hate/violence activity shall be immediately reported to the Safety and Security Manager who must immediately notify the immediate supervisor and other College personnel as appropriate.

- D. Hate/violence activity by a person other than a student or employee shall be immediately reported to the Safety and Security Manager who shall immediately initiate appropriate administrative proceedings, which could include referral to appropriate authorities for prosecution to the fullest extent of the law.
- E. Nothing contained in these procedures shall preclude the College from pursuing any and all other remedies available at law and equity, including but not limited to reporting the activity to appropriate governmental legal authorities, and all such rights and remedies are specifically reserved.

Administrative Approval: September 21, 1987; September 18, 1990; February 16, 1998;
July 15, 1999; December 13, 2010; February, 23 2015.

Chapter: Personnel

Modification No. 001Subject: **Conflict of Interest**

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- I. The Board of Trustees recognizes that the continued excellence of educational programs and services at Montgomery College is dependent, in part, upon continued public trust and faith in the individuals who administer and operate the institution. It is the policy of the Board of Trustees that its trustees and employees shall not maintain, exercise or engage in relationships or practices that are illegal, could prevent or limit the objective exercise of sound ethical judgment, or have the appearance of preventing or limiting the objective exercise of sound ethical judgment. No member of the Board of Trustees nor any College employee shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts, or appears to conflict, with his or her public duties and responsibilities. [The Board of Trustees' Bylaws also include policy statements relating to conflict of interest.]
 - II. Montgomery College has been held to be an executive agency of the State of Maryland for purposes of the Maryland Public Ethics Law and the College Board of Trustees and its employees are subject to that law.
 - III. The President is authorized to establish procedures to implement this policy with respect to College employees.

Board Approval: September 21, 1987.

Chapter: Personnel

Modification No. 008Subject: **Conflict of Interest**

I. Scope and Applicability

The Maryland Public Ethics Law and the following procedures apply to all employees of Montgomery College.

II. Purpose

The mission of the College is advanced when members of the College forge links outside MC as scholars, artists, consultants, participants in research ventures, and in other capacities that relate to their professional expertise. Montgomery College encourages the development of such links, but also recognizes that these positive interactions can create the occasion for real, potential, or perceived conflicts of interest and commitment, any of which may damage the individual as well as the institution. This procedure is intended:

- A. To provide guidance that will enable these extra-College liaisons to continue while avoiding situations that could harm the individual and/or the College through the reality or perception of ethical, legal, or financial conflicts;
- B. To encourage members of the College to participate in such enriching external activities by providing a clear disclosure mechanism through which conflicts-prone situations may be proactively shared, evaluated, and managed to the benefit of all parties concerned;
- C. To increase individual consciousness of the possibility of actual, potential, and perceived conflicts between private interests and public responsibilities and actions; and
- D. To promote continued public trust and confidence in the integrity of College employees.

III. Definitions

- A. "Conflict of Commitment": A situation in which an employee engages in an activity, paid or unpaid, that involves a commitment of time that interferes, or reasonably appears to interfere, with fulfillment of the employee's obligations to the College, even if the outside activity is valuable to the College or contributes to the employee's professional development, competence, or prestige in the field. Conflicts of commitment are a subcategory of conflicts of interest.
- B. "Conflict of Interest": An umbrella term encompassing any situation in which a member of the College community has an interest or loyalty that directly or indirectly affects, or has the appearance of affecting, the individual's professional judgment in performing any College duty or responsibility.
 - 1. *Actual Conflict of Interest*: A conflict that presently exists between the College's interests and an employee's interests or obligations.

2. *Perceived Conflict of Interest:* A present situation where it could reasonably be perceived that an employee's duty to the College may be compromised by the employee's other interests or commitments. The perception of a conflict may exist even when the employee's interests are not actually improperly influencing the performance of official duties. Because the appearance of a conflict may undermine public trust in the College, perceived conflicts of interest must be disclosed and managed in the same way as actual conflicts.
 3. *Potential Conflict of Interest:* A situation that does not presently constitute or appear to constitute a conflict of interest, but where there is a reasonable possibility of an actual or perceived conflict developing in the future.
- C. "Employee": All full and part-time faculty members, administrators, temporary employees, regular status staff, and student employees.
- D. "Interest": Anything of value to a person or organization, including a financial stake or benefit, an asset, a relationship with another, or a reputational interest.
- E. "Relative":
1. A College employee's spouse or domestic partner per Montgomery County Code, Section 33-22;
 2. A child or parent of the employee or of the employee's spouse or domestic partner;
 3. A brother or sister of employee or of the employee's spouse or domestic partner;
 4. A grandparent or grandchild of employee or of the employee's spouse or domestic partner;
 5. An aunt or uncle of employee or of the employee's spouse or domestic partner;
 6. A nephew-or niece of employee or of the employee's spouse or domestic partner;
 7. A brother-in-law or sister-in-law of employee or of the employee's spouse or domestic partner; and
 8. A son-in-law or daughter-in-law of employee or of the employee's spouse or domestic partner.

IV. General Principles

- A. Employees stand in a relationship of trust and confidence to the College. Employees shall act in good faith with due regard for the best interests of the institution, and shall comply with the principles of conduct set forth in this procedure.
- B. Although not all conflicting interests are impermissible, those involving the

potential for self-gain or gain by a third party to whom the employee is related can undermine the judgment or objectivity of the employee such that the primary obligation to the College is compromised.

- C. Full and timely disclosure of conflicts of interest by employees protects both the employee and the College. Employees must therefore disclose to the Office of Compliance, Risk, and Ethics any situation believed likely to present a conflict of interest, as soon as the employee becomes aware of the relevant facts.
- D. To disclose a conflict, an employee must complete the Disclosure Form available at <https://info.montgomerycollege.edu/resources/code-of-ethics-and-employee-conduct/disclose-a-conflict-of-interest.html> and submit the form to ethics@montgomerycollege.edu. The Office of Compliance, Risk, and Ethics will review the disclosure, evaluate the circumstances, and work with the employee and any other College official as appropriate in order to eliminate or manage the conflict (where one exists). Where no conflict of interest—actual or perceived—is found, the Office of Compliance, Risk, and Ethics will provide the employee written approval to proceed without further restrictions.
- E. Serious violation of the foregoing policy and this procedure, including
 - 1. Failure to disclose a situation which an employee knows, or reasonably should have known, may constitute a conflict of interest, or
 - 2. Engaging in an action counter to a conflict-of-interest management plan duly instituted by College in response to a disclosed conflict,shall be considered misconduct. Violations may be dealt with by prosecution under state or local law, by termination of employment, or by other disciplinary action, or by any combination of the above.
- F. It is not possible to list all activities that constitute a conflict of interest or an unethical practice. The following are examples of activities that may operate to limit an individual's ability to either legally or ethically perform assigned duties.

V. Financial Interests

The Maryland Public Ethics Law, codified at Md. Code Ann., Gen. Provisions §§ 5-101 *et seq.*, applies to all College employees, not just those who must file annual financial disclosure statements. The Public Ethics Law generally prohibits College employees from having financial interests in or employment relationships (including consulting) with entities which have or are negotiating contracts with the College.

VI. Restrictions on the Employment of Relatives (Nepotism)

- A. Relationship to another College employee is not a bar to initial employment at the College. However, an individual may not be assigned or promoted to, transferred to, evaluated by, or in any way accept employment in a department in which any form of supervisory authority is exercised by a relative of the individual.
- B. No employee of the College may participate in or otherwise influence the hiring process or any employment-related decisions pertaining to the employee's relative, including decisions regarding retention, evaluation, promotion, salary, or leave of absence.

- C. The College shall not employ in any position, or engage as a consultant or contractor, any relative of the President.
 - D. The College shall not employ in any position, or engage as a consultant or contractor, a relative of any Senior Vice President or a relative of the Chief of Staff/Chief Strategy Officer, unless
 - 1. the Senior Vice President or Chief of Staff/Chief Strategy Officer first discloses the relationship in writing using the Disclosure Form available at <https://info.montgomerycollege.edu/resources/code-of-ethics-and-employee-conduct/disclose-a-conflict-of-interest.html>,
 - 2. the Senior Vice President or Chief of Staff/Chief Strategy Officer submits the disclosure to the Office of Compliance, Risk, and Ethics at ethics@montgomerycollege.edu, and
 - 3. after review of the disclosure, the President, in consultation with the Office of Compliance, Risk, and Ethics and the Office of Human Resources and Strategic Talent Management, provides written approval for the employment of the SVP/COS's relative as described in the disclosure.
- VII. Restrictions on Familial Relationships Between Faculty and Students
- A. A student shall not enroll in a course section taught by a faculty member who is the student's relative.
 - B. In the event it is not possible for the student to avoid the class taught by the related faculty member, the faculty member shall immediately advise their department chair and dean regarding the relationship. After consultation with the appropriate vice president/provost, the department chair or dean shall:
 - 1. Appoint another faculty member within the same discipline to evaluate the student's written work, such as essays, research papers, essay tests, care plans, etc.; and
 - 2. Appoint another faculty member within that discipline to evaluate the student's non-written work or performance, such as artistic performances, teaching practice, or clinical practice.
 - C. A student shall not be assigned to a faculty advisor or counselor with whom the student has a family relationship.
 - D. A College employee whose responsibilities at the College entail teaching or academic coaching of students under the age of eighteen shall immediately disclose to the Office of Compliance, Risk, and Ethics—per the process set forth in Section IV.D, above—any amorous or romantic relationship with the parent or guardian of a student under the employee's tutelage.
- VIII. Private Tutoring and Other Services Offered for Remuneration
- A. No College employee shall tutor privately, for remuneration, any student who is currently enrolled in the College.

- B. Faculty and other employees whose work involves direct interaction with currently enrolled students:
 - 1. Shall not receive remuneration from those students for other services the employee may offer outside of their employment at the College. Such outside services include, but are not limited to: coaching or athletic training, private music lessons, and therapy or psychological counseling services.
 - 2. Shall not in any way utilize their position at the College or their access to MC students to promote, solicit, or develop any private client- or patient-relationship with MC-enrolled students.

Notwithstanding this restriction, a College employee who has a pre-existing professional relationship with an individual shall not be in per se violation of this procedure nor shall the employee be expected to cease the outside professional relationship with the individual, if that individual subsequently enrolls as a student at the College and the outside professional relationship does not otherwise violate any provision of this policy and procedure.

- C. A College employee shall not engage in private tutoring activities on College property, for remuneration.

IX. Gifts and Favors

No employee may solicit or accept, directly or indirectly:

- A. Any gift that would tend to impair the impartiality and independent judgment of the employee;
- B. Any gift that has significant value and that would give the appearance of impairing the impartiality and independent judgment of the employee; or
- C. Any gift where the employee believes or has reason to believe that the gift is designed to impair the impartiality and independent judgment of the employee.

The term "gift" includes, but is not limited to food, travel, promotional items, and tickets to entertainment events.

X. Prohibition on Undue Favoritism

- A. Undue favoritism occurs when a person who, by virtue of his or her position with the College, has authority to grant or deny College-related benefits, privileges, or rewards, but abandons professional judgment and confers such a benefit based on factors other than individual merit and qualifications.
- B. Conduct that meets the foregoing definition of undue favoritism is prohibited by the College.

XI. Endorsements

- A. No employee of the College will cause, permit, or assist any organization or individual to distribute through the College or through College technology

resources any commercial material of a purely advertising nature, unless that material relates to identified potential purchases in support of College programs or operations.

- B. College employees shall neither be involved in any commercial venture on the College premises, nor utilize College technology resources to promote any commercial venture—which involves the solicitation, acceptance of orders for, or the delivery of any commercial product or services unless all of the following conditions are met:
 - 1. The commercial venture is for the benefit of the College or for a project that is sponsored by a "recognized" group or organization. "Recognized" groups or organizations are those which have approved charters on file with the campus Student Life Office or which have been duly authorized by the President.
 - 2. The procurement of the product or service is covered by either a written agreement between the College and the vendor or a purchase order issued by the Director of Procurement.
 - 3. Any profits and/or commissions will become the property of Montgomery College.
 - 4. No rebates, commissions, gifts, samples, or other considerations will inure to the benefit of any College employee.
- C. Although engaging in a commercial venture outside of College time and off College premises is permitted where it does not otherwise interfere with an employee's duties to the College, no College employee who engages in such a venture shall imply College sponsorship or endorsement of a particular product or service, or otherwise trade on the reputation or goodwill of the College. Mere identification of the College as one's employer is permitted, provided that such identification is not used to imply College sponsorship or endorsement.
- D. Appropriate College staff may provide references for services and items used by Montgomery College. Such references may only be furnished in response to a specific verifiable request from another institution, a business entity, or an organization. In this context, providing a truthful favorable reference does not constitute an endorsement prohibited by this procedure.

XII. Procurement of Goods and Services

- A. College employees shall not recommend or participate in decisions or actions regarding the procurement of a specific product or service in circumstances when the employee, or a relative of the employee, has a substantial direct or indirect financial interest in the entity furnishing the product or service. Examples of the above include:
 - 1. A buyer ordering products from a firm in which he or she has a financial interest;
 - 2. An account manager authorizing the purchase of consultant services from a member of his or her immediate family.

- B. In the event that participation in decisions and actions such as those noted above appears unavoidable by nature of an employee's position at the College, it is the responsibility of the employee to notify their immediate supervisor of the nature and extent of the employee's interest prior to participating in any such decision. The vice president/provost or the appropriate administrative supervisor, in consultation with the Chief Compliance, Risk, and Ethics Officer, is authorized by the President to render a final decision regarding the employee's participation in such decisions or actions.
- C. Any College employee, with the concurrence of his or her supervisor, may withdraw voluntarily from participation in any decision or action which may conflict, or which may raise the appearance of conflict, between the employee's private, personal interests and the employee's duties to the College.

XIII. Conflicts of Commitment

A. Description

A Conflict of Commitment arises only when other activities burden or interfere with an employee's primary obligations and commitments to the College. All full-time faculty and staff members are expected to devote their primary professional time, and energy to their position at Montgomery College.

B. Activities Which May Constitute a Conflict of Commitment

A Conflict of Commitment may exist even if the individual does not receive compensation for the external activity. Such activities include employment outside the College, employment in a second position at the College (in addition to a full-time position), involvement with professional societies, community service, conferences, consulting, and business activities related to outside entities including start-up companies.

C. Disclosure Required

In general, where an activity overlaps with an employee's regularly-scheduled work hours at the College, or often requires the employee's attention during those work hours, the employee must disclose the activity through the process set forth in Section IV.D above, in the interest of transparency.

D. Exemption from Disclosure: Prescribed Responsibilities to the College

Faculty and staff members have prescribed domains of job responsibility, defined in their respective position descriptions. External activities—such as involvement in professional associations or affinity groups—that fall within the employee's scope of work or directly advance the employee's core responsibilities to the College are exempt from this disclosure requirement, as such activities do not constitute a conflict of commitment.

Union activities authorized by collective bargaining agreements do not constitute conflicts of commitment and are exempt from disclosure.

E. Outside Employment

1. College employees may not engage in any other employment or in any

private business that conflicts with duties owed to Montgomery College. Faculty may be assigned duties during those hours that the College is open. The assignment of specific hours varies from semester to semester and duties frequently require availability at short notice.

2. Because outside employment may affect an employee's performance of assigned College duties, full-time employees who engage in employment outside of the College are must disclose the nature and extent of the outside employment to the Office of Compliance, Risk, and Ethics in accordance with Section IV.D, above.

F. Part-time Teaching at Montgomery College by Administrators and Staff

1. Administrators

An administrator may teach part-time at the College provided that all of the following conditions are met:

- a. The administrator must be appropriately qualified to teach the particular course.
- b. An administrator may not teach more than one course in any given semester or summer session, unless the course is part of a regular work assignment.
- c. The teaching must have the approval of the administrator's supervisor.
- d. The part-time teaching assignment shall be made in accordance with the procedures of the relevant campus, and the appropriate dean has final responsibility for assignment of courses.
- e. If the teaching is a part of the administrator's regular assigned workload or is done during the regular administrative work schedule, there will be no extra compensation.
- f. If the teaching is done outside of the regular administrative work schedule, compensation at the part-time faculty teaching rate may be granted, with approval of the Senior Vice President for Academic Affairs.

2. Full-time Exempt Staff

Full-time exempt staff may teach part-time at the College provided that all of the following conditions are met:

- a. The person must be appropriately qualified to teach the particular course(s).
- b. The part-time teaching assignment shall be made in accordance with the procedures of the relevant campus.
- c. Compensation shall be based on the part-time faculty salary schedule.

- d. The part-time teaching shall be done outside of the individual's normal work schedule.
- e. Full-time exempt staff may not teach credit courses as part of their normal work assignment.

3. Full-time Non-exempt Staff

Full-time non-exempt staff shall not teach part-time at the College.

XIV. Use of Faculty-Owned Works in College Courses

A. Faculty-Owned Works in Credit Courses

Full-time and part-time faculty members may require use of their own copyrighted works in credit courses in accordance with the following procedures:

- 1. Prior to assigning materials for which the faculty member holds the copyright in a for-credit College course, the faculty member will submit the material for review to a campus review committee composed of faculty members in the discipline which is covered by the material.
- 2. The members of the discipline review committee will be selected by discipline faculty.
- 3. The discipline review committee shall:
 - a. Review the appropriateness of the materials for the student population and the relevant course;
 - b. Conduct a cost comparison with similar materials; and
 - c. Approve or disapprove the assignment of the particular instructional material for use in the credit course. The committee's decision will be noted in writing and forwarded to the faculty member, appropriate dean, and the bookstore.
- 4. The faculty member may appeal the decision of the campus discipline review committee to the Faculty Council, which may involve discipline faculty from other campuses in the appeal process before rendering a decision. The Faculty Council's decision is final; it may not be appealed.
- 5. The respective dean is responsible for assuring that the processes set forth above are followed.
- 6. Faculty-owned materials which are approved for use by the appropriate faculty discipline review committee may be ordered through a campus bookstore in accordance with normal procedures for ordering instructional materials.
- 7. The Senior Vice President for Academic Affairs or designee shall ensure compliance with the process set forth above.

B. Faculty-Owned Works in Non-Credit Courses

Faculty members who teach non-credit courses may require the use of their own copyrighted works in non-credit Continuing Education courses and programs only with the written approval of the appropriate dean.

XV. Misuse of Information

No employee of the College shall, for personal gain or for the gain of others, use any information not available to the public that was obtained as a result of employment at the College, including contact information, aggregated employee or student email address lists, or information concerning prospective customers or clients.

XVI. Use of College Resources

A. All College resources—including property, supplies, equipment, materials, employee time, buildings, technology, and certain services—are purchased and/or maintained, in whole or in part, from appropriated public funds. As a publicly supported institution, the College has a responsibility to ensure that its resources are used and consumed for the specific educational or support purposes for which they are authorized.

B. Use of College Property

All College property (including supplies, installed and movable equipment, and motor vehicles) shall be used by employees only for purposes related to the authorized business of the College.

C. Use of College Resources for Non-College Activities

Use of College resources—including, but not limited to, paper, personnel time, photocopy machines, software, word-processing equipment, mail facilities, email servers, messenger services, or other College-funded services—in support and/or furtherance of personal activities or the activities of any private organization is a misuse of public funds and is not permitted.

D. Construction of Provisions Regarding Use of College Resources

Nothing in the preceding subsections is intended to nor shall override any negotiated union rights to use College space or resources as provided for in applicable collective bargaining agreements.

E. Authorization for Use of College Resources

1. Responsibility for ensuring that inventorial property is used for its authorized purpose is assumed by the individual accountable for the control and general security of the property as provided for in the policies and procedures pertaining to property control, as well as by the individual employee.
2. Responsibility for ensuring that non-inventorial property, supplies, and other College resources are used for an authorized purpose is assumed by the head of the department or office, academic or administrative, in which the resources are normally used or consumed, as well as by the

individual employee.

3. Responsibility for ensuring that the staff services of College employees are used solely for an authorized purpose is assumed by the head of the office, academic or administrative, to which the employee is assigned, as well as by the individual employee.

Presidential Approval: September 21, 1987; August 31, 1992; August 25, 2004; August 1, 2012; November 5, 2012; June 24, 2013; April 28, 2014; December 7, 2020.

Chapter: Personnel

Modification No. 001

Subject: **Political Activity**

- I. All College employees have the right to free political expression and to participate, as individuals, in politics or political campaigns.
- II. College employees engaged in political activity shall make it clear that their actions are an expression of their own individual feelings and do not represent the College's position as an institution.
- III. While employees are encouraged and expected to assume full citizenship responsibilities by taking an active part in issues, platform development, voting, etc., they shall do this as individuals and not during times they are expected to be performing College responsibilities.
- IV. The President is authorized to establish procedures to implement this policy.

Effective Date: September 21, 1987.

Modification Date(s): n/a

Last Review Date: October 14, 2024.

Chapter: Personnel

Modification No. 002Subject: **Political Activity****I. Political Activity**

All College employees have the right to actively participate in their individual capacity in the political process in support of or opposition to political candidates or parties and related free expression of diverse political views; however, employment at Montgomery College does require certain restrictions on such political activity. For purposes of this policy and procedure, "political activity" includes the participation or intervention in any political campaign in support of or opposition to a political party and/or any candidate for public office.

An employee shall not:

- A. Engage in such activity during times they are expected to be performing College responsibilities;
- B. Use College funds or resources, including but not limited to College letterhead, logos, mailing lists and office equipment to engage in such activity;
- C. Intimidate, threaten or coerce or attempt to intimidate, threaten, or coerce any other employee for the purpose of interfering with the right of such person to vote, to make contributions, or engage in political activity as such person may choose;
- D. Obligate or pressure or attempt to obligate or pressure another employee to contribute, financially or otherwise, or to render political service to any candidate or political party;
- E. Seek or obtain or attempt to seek or obtain political contributions from other employees or students while performing College responsibilities or using College resources.
- F. Speak on behalf of the College without express, written permission of the President or President's designee. Employees who chose to engage in political activity in their individual capacity must do so without mention of institutional affiliation or with an appropriate disclaimer that their views are their own and not those of the College.

II. Penalties for Violations

An employee violating any provision of this section shall be disciplined in accordance with College policies and procedures.

Administrative Approval: September 21, 1987; October 9, 2024.

Chapter: Personnel

Modification No. 001

Subject: **Drug and Alcohol Abuse Prevention**

- I. The Board of Trustees is committed to the education of students, employees, and community members regarding substance abuse prevention, detection, and treatment services; to the continuation of a collegewide substance abuse prevention program and other ongoing efforts which foster such education; and to the maintenance of a drug-free environment throughout the College.
- II. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited at Montgomery College.
- III. College employees and students are subject to appropriate disciplinary action for violation of this policy, in accordance with College policies and procedures regarding employee discipline and discharge and in accordance with the student code of conduct.
- IV. The President is authorized to establish procedures to implement this policy.

Board Approval: May 15, 1989

Chapter: Personnel

Modification No. 003

Subject: **Drug and Alcohol Abuse Prevention**

- I. The College's Drug and Alcohol Abuse Prevention (substance abuse) program shall consist of the following:
 - A. Notification to all employees at the time of hire and annually thereafter through handbooks and other informational means:
 1. Of the College's policy on drug and alcohol abuse prevention;
 2. That the possession, use, or distribution of unlawful drugs and alcohol on its property or as part of any of its activities is prohibited;
 3. That the College will impose disciplinary sanctions on employees for violations of the policy, up to and including discharge;
 4. Of the availability of counseling services available through the Faculty/Staff Assistance Program;
 5. Of the educational opportunities, online resources, and training programs available for all employees concerning the adverse effects of alcohol and drug abuse, addiction and prevention awareness, and the identification of behaviors and conduct that may be indicative of alcohol and drug abuse; and
 6. Of the treatment options available locally.
 - B. Mandatory online training administered through the Office of the Senior Vice President for Student Affairs or designee for all incoming full-time students during orientation on heroin and opioid addiction and prevention awareness. All students will receive annual notification:
 1. Of the College's policy on drug and alcohol abuse prevention;
 2. Of the availability of counseling services and resources available concerning addiction and prevention awareness; and
 3. Of the College's ability to impose disciplinary sanctions for violations of the policy.
 - C. Maintaining data on the number of reported cases of drug and alcohol-related violations to assist in determining the effectiveness of programs and activities offered;
 - D. Maintaining data on the number and type of sanctions imposed for violations of drug and alcohol-related violations for federal reporting purposes; and
 - E. Maintaining data on the number of incidents that required the use of overdose-reversing medication.
 - F. The Drug-Free Schools and Communities Act Amendments of 1989 (amends the Higher Education Act) requires the College to conduct a written biennial review which will be coordinated by the Office of Compliance, Risk and Ethics. The review is to determine the effectiveness of programs to implement any needed changes to the prevention program and to ensure that sanctions developed for violating standards of conduct are enforced consistently.

II. Standards of Conduct for Employees

- A. Employees should report for work fit for duty and free of any adverse effects of illegal drugs or alcohol. This does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their physicians about the medication's effect on their fitness for duty and the ability to work safely and promptly disclose restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions to supervisors, but should do so to the HIPAA Privacy Official in the Office of Human Resources and Strategic Talent Management.
- B. Employees may be required to undergo a medical examination pursuant to College Policy 31105-Medical Examinations when the employee's observable behavior creates a reasonable belief that the employee cannot perform the essential job functions or that the employee poses a threat to the health or safety of the employee or others, or to College property, as a result of the effects of drugs or alcohol.
- C. The unlawful manufacture, sale, distribution, dispensing, possession or use of controlled substances, and the unlawful use or abuse (e.g., being intoxicated) of alcohol by anyone on College property (including any facilities leased or used by the College) or in College vehicles is prohibited. The use of alcohol by anyone under 21 years of age or the abuse of alcohol by anyone at any College sponsored or supervised activity off campus is also prohibited.
- D. Notification of Criminal Conviction
 - 1. As required by the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments, the Maryland Higher Education Commission's Policies Concerning Drug and Alcohol Abuse Control, and as a condition of employment, employees must abide by the terms of this procedure and notify the Office of Human Resources and Strategic Talent Management in writing, of any criminal drug statute conviction for a violation occurring on or off Montgomery College property, no later than five calendar days after such conviction. Lack of compliance with these requirements may subject the employee to immediate disciplinary action, up to and including discharge.
 - 2. Upon receipt of notification of a conviction, the College will take the following actions as required by law:
 - a. Notify the appropriate federal agencies of such convictions, and
 - b. Take appropriate personnel action against the employee, up to and including discharge; and/or
 - c. Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.
- E. Consequences of Alcohol and Drug Abuse
 - 1. The unlawful manufacture, distribution, use, sale, or possession (e.g., on

the person or in a desk, or vehicle) of illegal drugs or of opened alcohol while on the job or on College leased or owned property is an offense punishable by discharge and may result in criminal prosecution. Any illegal drugs found will be turned over to the appropriate law enforcement agency.

2. The illegal use or abuse of alcohol on campus or as a part of any College activity whether on College leased or owned property is prohibited in accordance with all applicable Federal, State and local laws and the Drug and Alcohol Abuse Prevention Policy. In addition to possible prosecution under the aforementioned laws, employees who violate the prohibitions of this policy are subject to College imposed disciplinary sanctions consistent with applicable procedures and regulations. Sanctions may include, but need not be limited to, suspension, discharge, or referral to appropriate authorities for prosecution. Any disciplinary sanction imposed may also include the completion of an appropriate rehabilitation program as a condition of reinstatement or continued employment.

III. Standards of Conduct for Students

- A. Students are expected to abide by 42001 Student Code of Conduct. The unlawful manufacture, sale, distribution, dispensing, possession or use of controlled substances, and the unlawful use or abuse (e.g., being intoxicated) of alcohol by students on College property (including any facilities leased or used by the College) or in College vehicles is prohibited. The use of alcohol by anyone under 21 years of age or the abuse of alcohol by students at any College sponsored or supervised activity off campus is also prohibited.

B. Consequences of Alcohol and Drug Abuse

1. The unlawful manufacture, distribution, use, sale, or possession (e.g., on the person or in a desk, or vehicle) of illegal drugs or of opened alcohol while on College leased or owned property may result in criminal prosecution. Any illegal drugs found will be turned over to the appropriate law enforcement agency.
2. The illegal use or abuse of alcohol on campus or as a part of any College activity whether on College leased or owned property is prohibited in accordance with all applicable Federal, State and local laws and the Drug and Alcohol Abuse Prevention Policy. In addition to possible prosecution under the aforementioned laws, students who violate the prohibitions of this policy are subject to College imposed disciplinary sanctions consistent with applicable procedures and regulations. Sanctions may include, but need not be limited to, dismissal, suspension, disciplinary probation, community service, or referral to appropriate authorities for prosecution. Any disciplinary sanction imposed may also include the completion of an appropriate rehabilitation program as a condition of reinstatement or continued enrollment.
3. The Dean of Student Affairs or designated instructional Dean of Workforce Development and Continuing Education should be informed in writing about any situation that should be addressed through the

formal disciplinary process. The faculty or staff member will provide the Dean of Student Affairs with a written summary of the facts or conduct on which the referral is based within 48 hours of the incident for appropriate and effective disciplinary process, which must include the date, time, place, and a description of the incident.

IV. Responsibility

- A. The Office of Human Resources and Strategic Talent Management, Student Affairs, and the Office of Compliance, Risk and Ethics shall collaborate to make the Drug and Alcohol Abuse Prevention (substance abuse) program known and available to all employees and students and manage the procedural aspects of managing cases.
- B. The Risk Management Coordinator is responsible for employee education and providing community resources on the topics of drugs and alcohol and for tracking and reporting the number of initiatives, programs and people attending to ensure programming is adequate to address the needs of employees.
- C. The Vice President for Student Affairs, or designee, is responsible for educating students on the topics of drugs and alcohol and providing students with community resources and for tracking and reporting on the number of initiatives, programs and attendance to ensure programming is adequate to address the needs of students.
- D. The Office of Public Safety and Emergency Management (PSEM) is responsible for developing guidelines regarding the training of appropriate College personnel on the administration of overdose-reversing medication in emergency situations. PSEM is also responsible for promulgating appropriate operational guidelines on the acquisition, storage, and distribution of overdose-reversing medication and providing reports, as directed, on each incident that required the use of an overdose-reversing medication.
- E. The President, or designee, shall from time to time promote opportunities to educate the community regarding substance abuse prevention, detection, and available treatment options.

V. Emergency Situations Involving Possible Drug Overdoses

- A. If anyone encounters the victim of what appears to be a drug overdose on College premises, including at off-site locations or any College-sponsored event:
 - 1. Dial 911 immediately; and
 - 2. Contact Campus Public Safety
- B. The appropriate College and/or emergency personnel will assess the situation and administer overdose-reversing medication as appropriate.
- C. Leave the immediate area If directed by appropriate College or emergency personnel until it is deemed safe to return.
- D. Any member of the College community who administers an overdose-reversing medication to anyone on College premises, including off-site locations, or any

College-sponsored event must report such incidents to the Director of Public Safety and Emergency Management.

Administrative Approval: June 24, 2013; November 3, 2017; February 13, 2018.

Chapter: Personnel

Modification No. 010Subject: **Equal Employment Opportunity and Non-Discrimination**

I. Policy Statement

Montgomery College is committed to providing equal employment opportunity for all employees and applicants. Equal opportunity extends to all aspects of the employment relationship, including but not limited to recruiting, hiring, placement, promotions, training, working conditions, transfer, leaves of absences, compensation, and benefits. Further, the College is committed to providing an environment in which all persons are provided the opportunity for employment, participation in academic programs, and/or other College activities free from discrimination, harassment, and sexual assault in accordance with applicable federal, state, and local laws. Discrimination will not be tolerated and the College will consider a violation of this Policy to be a significant act of misconduct that may result in disciplinary action. When made aware, the College will take immediate action to stop the discrimination, prevent its recurrence, and remedy its effects.

II. Applicability

In accordance with applicable law and the College's commitment to access, equity, and diversity, the College does not discriminate against any student, employee, or applicant for employment on the basis of age, color, citizenship status, covered veteran status, disability, gender, gender identity and expression, genetic information, national origin, marital status, race, religion, sexual orientation, or for any other reason to the extent these attributes are not covered in this Policy and covered by federal, state and county laws and regulations. The College also prohibits retaliation against employees and students who, in good faith, bring complaints regarding perceived discrimination.

III. Education

Education is a key element of this Policy. The College will provide education and information, as appropriate, for students and employees to enhance understanding and increase awareness of the College's Equal Employment Opportunity and Non-Discrimination Policy. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing education programs to promote awareness about non-discrimination. Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of conduct that is proscribed; (c) informing employees, contractors, and students about the proper way to recognize issues and address complaints involving a violation of this Policy; (d) preventing issues that this Policy addresses; and (e) identifying the necessary steps for preventing its recurrence and addressing its effects.

IV. The President is authorized and directed to establish procedures and programs to implement this Policy.

Board Approval: September 21, 1987; December 18, 1989; April 15, 1991; July 15, 1991; September 21, 1999, November 18, 2002, December 13, 2010; February 25, 2013, February 23, 2015; December 12, 2016.

Chapter: Personnel

Modification No. 006Subject: **Equal Employment Opportunity, and Non-Discrimination****I. Introduction**

- A. Montgomery College is an equal opportunity institution and, in accordance with applicable law, the College prohibits discrimination against any student, employee, or applicant for employment on the basis of age, color, citizenship status, current or former military status, disability, gender, gender identity and expression, genetic information, national origin, marital status, race, religion, sex, sexual orientation, and for any other reason covered by applicable federal, state and county laws and regulations. The College also prohibits retaliation against employees and students who, in good faith, bring complaints regarding perceived discrimination.
- B. The College is committed to providing an environment in which all persons are provided the opportunity for employment and/or participation in academic programs, and other College activities free from any form of harassment as prohibited by federal and state laws, including sexual misconduct. Conduct that constitutes discrimination and/or harassment violates College Policy and will not be tolerated. Violations of this Policy on the part of any College employee, or any student, or any participant in a College program or activity may result in appropriate disciplinary action, including discharge or expulsion.
- C. The College has taken steps to prevent and promptly correct all forms of discrimination. This internal complaint procedure provides a mechanism for aggrieved individuals to receive a prompt, thorough, and impartial review of issues believed to be in violation of the College's Equal Opportunity and Non-Discrimination Policy and [Equal Education Opportunity and Non-Discrimination Policy](#). Conduct pertaining to all forms of sexual misconduct; including sexual harassment, sexual assault, intimate partner violence/abuse, stalking, sexual exploitation, and sexual intimidation is covered by the procedures outlined in Policy 31001-Sexual Misconduct.
- D. When appropriate, the College expects students or employees to use internal means to resolve complaints related to 31006-Equal Employment Opportunity and Non-Discrimination and/or 41002-Equal Education Opportunity and Non-Discrimination, and to take advantage of any preventive and corrective opportunities.

II. Complaint Procedure - General**A. Intake, Investigation, and Recommendation**

- 1. An employee shall present a complaint under this Procedure within 180 calendar days of the date of that incident or the date the employee should reasonably have known of the event underlying the complaint. If warranted, the employee/labor relations administrator, or designee, may extend this time limit for good cause shown by the employee. The complaint shall contain the Complainant's name, address, telephone number, the facts of the alleged violation, the date of the alleged violation, the name or names of the respondent(s), the requested remedy and any further information the Complainant believes relevant to the matter.

2. The College may establish the mechanism by which a complaint is submitted, which may include a form, a toll-free number, an online submission, or some combination of these mechanisms.
3. The employee/labor relations administrator, or designee, will determine whether the complaint is one that falls under this Procedure.
4. The employee/labor relations administrator, or designee, will determine whether the respondent employee(s) should be placed on paid administrative leave pending the outcome of the investigation.
5. The employee/labor relations administrator, or designee shall make every effort to meet with the complainant within ten (10) working days. If that timeframe is not feasible, such meeting will be scheduled as soon thereafter as is practicable.
6. Following review and evaluation of the complaint, the employee/labor relations administrator, or designee, shall notify the respondent(s), in writing, of the complaint, along with a copy of the appropriate College Policy and Procedure for which a violation has been alleged, and notice that College Policy and applicable law prohibit retaliation for the filing of a complaint or participation in an employment discrimination investigation. To the extent possible, confidentiality will be maintained at all times. The College may, however, inform other College employees who the College deems, in its sole discretion, should be made aware of the complaint.
7. If an investigation is appropriate, the employee/labor relations administrator or designee will make every effort to conduct such investigation within thirty (30) working days; however this timeline may be extended at the discretion of the investigator. Investigations, shall include:
 - a. interviewing relevant individuals;
 - b. reviewing relevant documentation;
 - c. meeting with the respondent(s); and
 - d. if necessary, conducting follow-up meeting with involved individuals.
8. The investigator shall make every effort to prepare a report and recommendation within thirty (30) working days after the conclusion of the investigation; however, this timeline may be extended at the discretion of the investigator. The report shall include:
 - a. the factual findings of the investigation;
 - b. a summary of the witnesses interviewed and evidence considered; and
 - c. a recommendation for resolution of the complaint.

The report and recommendation shall be submitted to the employee/labor relations administrator, or designee, or if the employee/labor relations administrator conducted the investigation, the chief human resources officer, or designee.
9. Within ten (10) working days after receiving the report and recommendation, the employee/labor relations administrator, or designee, or the chief human resources officer, or designee, as applicable, shall either approve the report and

recommendation, return it to the investigator for additional follow-up, or recommend alternate action. The employee/labor relations administrator, or designee, may reasonably extend this deadline.

10. The employee/labor relations administrator shall take action consistent with the approved report and recommendation or other agreed resolution.

B. Appeals

1. A complainant may appeal the decision reached following the investigation to the chief human resources officer, or designee, within ten (10) working days of the date the report and recommendation is approved.
2. An appeal may be submitted for only the following reasons: (i) a procedural error or omission occurred that significantly affected the outcome of the investigation or report and recommendation; and (ii) to consider new evidence, unknown or unavailable during the investigation, that could substantially impact the original finding (a summary of this new evidence and its potential impact must be included in the written appeal).
3. Upon receipt of an appeal, the chief human resources officer, or designee shall review the report and recommendation.
4. The chief human resources officer, or designee, shall issue a written decision on the appeal within ten (10) working days; however, this timeline may be extended at the discretion of the chief human resources officer or designee.

- C. If discipline or discharge will result following the complaint/appeal process outlined above, the procedures set forth in 34002CP and 34003CP shall apply for purposes of implementing that decision.

- D. The procedures outlined above notwithstanding, Montgomery College encourages individuals to pursue informal resolution of complaints. Employees may consult with employee/labor relations staff for assistance with seeking informal resolution of complaints.

- E. Individuals have the right to file complaints with external enforcement agencies, including: Equal Employment Opportunity Commission; US Department of Labor; Office of Civil Rights of the Department of Education; the Maryland Commission on Human Relations; and the Montgomery County Human Relations Commission.

- F. The Office of Employee and Labor Relations serves as the principal liaison with applicants for employment and College employees on matters of equal employment opportunity and equal education opportunity. Employees are encouraged to take advantage of this resource.

- G. In cases of alleged sexual misconduct as defined in the Policy 31001-Sexual Misconduct, the procedures of that Policy shall be followed.

- H. Individuals who are concerned they have witnessed, or have been subjected to prohibited discriminatory actions should discuss their concerns with their immediate supervisor, appropriate administrator, or the employee/labor relations staff. The College

recommends that individuals immediately bring their concerns to management's attention in order to facilitate prompt attention and action. An immediate supervisor or appropriate administrator, through consultation with human resources staff, will attempt to efficiently resolve the matter.

- I. Under these procedures, an employee or applicant for employment filing a complaint alleging a violation of the Equal Employment Opportunity and Non-Discrimination Policy (31006) must report in the complaint all known claims that have occurred prior to the date on which the complaint is filed. If, during the investigation, additional potential violations of the Equal Employment Opportunity and Non-Discrimination Policy are discovered, the College may open a separate investigation on those new allegations. The College may reject any claim to the extent it includes allegations that the Complainant(s) knowingly did not report in an earlier complaint. However, the College may, in its sole discretion, permit consideration of such allegations if it is satisfied (i) that the employee, applicant, or student provides an adequate explanation for not reporting the allegations in the prior complaint and (ii) that the interests of all parties would best be served by considering the new allegation.

- J. Complaints of discrimination will be investigated and addressed in a fair and impartial manner. All individuals involved in the investigation will be treated with dignity and respect. Retaliation against a complainant or individual participating in an investigation under this Procedure is prohibited.

- K. Access to Information

All members of the College community are expected to cooperate with the investigation by providing timely information in the format requested. The investigator shall have access to personnel information about employees. The investigator shall also have access to the educational records of students, in whole or in part. Personal information obtained from educational records of students shall not, however, be disclosed to third parties other than the College's General Counsel, appropriate Senior Vice President, the President, and the appropriate administrative official(s) who might require access in order to conclude the investigation and implement a corrective action. Employees who fail to promptly cooperate with an investigation under this Policy shall be subject to disciplinary action.

- L. Complaint Withdrawal

Complainant(s) may request the voluntary withdrawal of the complaint. The request shall be in writing to the chief human resources officer, or designee. A request to withdraw will not stop an investigation if facts determine that the College must take action.

- M. Interim Measures

Based on the information gathered during the investigation, the College reserves the right to take appropriate interim measures designed to provide relief to the affected person(s), reduce the likelihood of recurrence, or address immediate effects of the behavior.

III. Implementation of Corrective Action

- A. The appropriate administrators/disciplinary authority shall act to implement corrective action as stated in the report and recommendation or as determined by the chief human

resources officer, or designee, if there was an appeal, or as soon as practical of the report and recommendation, or the appeal, if applicable, is finalized.

- B. If there is a final determination that there has been a violation of the College's Policy with respect to a grade awarded to a student, the finding or determination shall be forwarded to the Complainant(s), Respondent(s), and the appropriate Dean, who shall select a review committee in accordance with the procedures stated in the Academic Regulations for the review of allegations of arbitrary and capricious grading. The review committee, which is established pursuant to the Academic Regulations to review allegations of arbitrary and capricious grading, shall have no authority to reverse the finding or determination of the chief human resources officer, or designee, and shall confine its consideration to a determination of the appropriate corrective action with respect to the grade. The Committee shall forward to the chief human resources officer, or designee, Complainant(s), and Respondent(s) a written recommendation as to the appropriate corrective action with respect to the grade. Every effort shall be made to submit the recommendation within thirty (30) working days; however, the Committee may reasonably extend this timeline at its discretion.
- C. The Senior Vice President for Academic Affairs shall review the recommendation of the committee and, upon completing such review, shall issue a final written determination of the corrective action with respect to the grade she or he determines to be appropriate for such violation (which she or he shall implement), and a copy of which shall be forwarded to the Complainant(s), Respondent(s), and chief human resources officer, or designee,. The Senior Vice President shall make every effort to issue the final determination within ten (10) working days; however, the Senior Vice President may reasonably extend this timeline at their discretion.
- D. Once the disciplinary/grievance process, including any available appeal, has concluded, whatever decision is made regarding the disciplinary action constitutes the final administrative decision of the College in the matter. The chief human resources officer, or designee, shall ensure that the Complainant(s) is appropriately advised of the resolution of such disciplinary action.
- E. No provision of this Policy shall be construed as a limitation on disciplinary action available under applicable policies and procedures. If an investigation is conducted under this Policy and no Policy violation is found, that fact does not prevent discipline of the respondent(s) under other applicable Policies and Procedures.

IV. Alternative Dispute Resolution

Upon mutual agreement of the complainant and the employee/labor relations administrator, or designee, a complaint may be referred to mediation. If the grievant and the College agree to mediate a complaint, the employee/labor relations administrator, or designee, shall select an appropriately trained individual as a neutral mediator to help the parties resolve a workplace dispute.

V. Confidentiality

The College recognizes the importance of confidentiality. To the extent possible, all information received in connection with the filing, investigation, and resolution of complaints will be treated as confidential. Records will be maintained in a confidential manner to the extent permitted by law

and insofar as they do not interfere with the College's legal obligation to investigate and resolve issues of discrimination. Thus, confidentiality will be maintained except as disclosure may be required to be made: (i) by law; (ii) to individual witnesses with knowledge of facts relating to the complaint; (iii) to appropriate human resources department staff; (iv) to union representatives in the event the Complainant(s) and Respondent(s) are union members, and/or; (v) on a need to know basis to counsel, insurers, auditors, appropriate Board members and executives of the College.

VI. Non-Disclosure of Genetic Information

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law.

To comply with this law, employees should not provide any genetic information when responding to a request for medical information made in connection with a request for an accommodation, including any leave of absence.

"Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

VII. Maintenance of Documentation

Documentation resulting from the investigation at each level in the complaint procedure will be maintained by human resources, and is not considered part of an employee's personnel file, except to the extent that personnel action(s) result from the investigation.

VIII. Retaliation Prohibited

Retaliation against a person who has filed a complaint or against any individual who participated in an investigation is strictly prohibited. Any retaliatory action by any College employee or student against a Complainant or witness is prohibited and may be grounds for disciplinary action or dismissal from the College.

IX. Good Faith Reporting

Any individual found to have knowingly and intentionally filed a false allegation or provided false information may be subject to appropriate disciplinary action. A complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation of discrimination.

X. Time Limits

Working days are defined as all days during the calendar year other than Saturdays, Sundays, and days the College is closed.

The employee/labor relations administrator, or designee, may exercise reasonable discretion to adjust the time limits set forth in this procedure.

XI. Receipt of Notification

Whenever, under these procedures, individuals must be notified in writing, a copy shall be served in person, by certified, return receipt requested mail to the address that is kept on file at the College, or via email. For purposes of computing any time frames under these procedures, where service is by US mail, the date of service shall be considered to be the third day after the postmarked date of the letter. It is the responsibility of the individual to ensure that the College has their current address on file.

Administrative Approval: July 16, 1999; March 10, 2003; December 13, 2010; February 24, 2015; December 13, 2016; March 27, 2018.

Chapter: Personnel

Modification No. 005Subject: **Affirmative Action**

- I. Montgomery College is committed to undertaking conscious, deliberate action designed to assure equal opportunity for all employees and to make additional efforts to recruit, employ, and promote minorities and women at all levels and in all segments of the workforce where they are underrepresented. Toward this end, the President will develop and implement an affirmative action program and an affirmative action plan.
- II. It is the policy of the Board of Trustees to take positive steps to identify and change College policies and other institutional barriers that may prohibit equal employment of employees or adversely affect access, equity, and diversity.
- III. The College is committed to diligently implementing equal employment opportunity and affirmative action practices of hiring employees from underrepresented groups, as designated by federal regulation, and strongly encourages and supports continued efforts in these areas.
- IV. Education is a key element of this policy. The College will provide education and information, as appropriate, for employees to enhance understanding and increase awareness of the College's Affirmative Action Policy. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing education programs to promote awareness. Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of conduct that is proscribed; (c) informing employees and contractors about the proper way to recognize and address complaints involving a violation of this policy; (d) preventing issues that this Policy addresses; and (e) identifying the necessary steps for preventing its recurrence and addressing its effects.
- IV. The President is authorized to establish procedures to implement this policy.

Board Approval: September 21, 1987; December 18, 1989; April 15, 1991; November 13, 1995; February 25, 2013.

Chapter: Personnel

Modification No. 002

Subject: **Employee Indebtedness**

- I. The Board of Trustees recognizes that prudent fiscal control includes the active collection of all indebtedness, including employee indebtedness.
- II. If an employee or former employee has been overpaid by the College, the overpayment is a legal debt and must be repaid in full. It is the policy of Montgomery College to initiate recovery efforts on all employee indebtedness as soon as the debt is discovered.
- III. In all cases, College employees will be notified of any indebtedness and given the available options for repayment and an opportunity to rebut the College's claim.
- IV. The President is authorized to establish procedures necessary to implement this policy.

Board Approval: October 28, 1991; May 16, 2016.

Chapter: Personnel

Modification No. 003

Subject: **Employee Indebtedness**

- I. Each department will work with Payroll in the determination of overpayment.
- II. The Vice President of Finance/Chief Financial Officer (or designee) will notify an employee, in writing, of any overdue employee indebtedness to the College.
- III. The written notice will include, at minimum, the reason for indebtedness; the amount of the indebtedness; and the time period (no less than thirty (30) working days) in which payment must be made before further action is taken. The notice will also include the opportunity to establish a schedule for voluntary repayment.
- IV. The written notice will also indicate that the employee may dispute the debt, in writing and/or by requesting a meeting with the Vice President of Finance/Chief Financial Officer (or designee), within ten (10) working days of receipt of the notice. If an employee disputes the debt, no further action will be taken until the Vice President of Finance/Chief Financial Officer has reviewed the matter and made a final determination. The Vice President of Finance/Chief Financial Officer will notify the employee, in writing, of the final determination.
- V. If the debt remains unpaid after 30 working days notice of Vice President of Finance/Chief Financial Officer's final determination and no arrangements for repayment have been made, the collection process will be implemented and the debt sent to collection.
- VI. The Vice President of Finance/Chief Financial Officer is responsible for implementing these procedures.
- VII. These procedures shall not preclude the College from taking any action warranted if the basis of the debt arises from a violation of College policies and procedures.

Administrative Approval: October 28, 1991; August 23, 2004; May 18, 2016

Chapter: Personnel

Modification No. 002Subject: **Prevention of Bullying and Workplace Violence**

- I. Montgomery College is committed to maintaining a working, learning, and social environment in which the rights and dignity of all employees, students, and visitors are respected.
- II. Montgomery College views bullying and/or violent behavior as unwelcome, disruptive, and contrary to the development and maintenance of a safe, productive and supportive work environment. Such behavior is prohibited. Employees who exhibit such behavior will be held accountable. Visitors who exhibit such behaviors will be removed from College premises. Supervisors, in conjunction with the Office of Human Resources and Strategic Talent Management (HRSTM), are responsible for ensuring that the College appropriately investigates allegations of bullying and/or violent behavior. Supervisors, in conjunction with HRSTM, are also responsible for recommending appropriate disciplinary action against individuals found to have violated this policy.
- III. It is the policy of Montgomery College to expressly prohibit bullying and violent behavior or threats of violent behavior against any other employee, student, or visitor on College property (including its leased locations) at any time or while engaged in business with or on behalf of the College. Montgomery College will not condone any behavior that it considers to be bullying or violent, including hostile, aggressive, and intimidating conduct and behavior that impairs another's ability to perform that individual's responsibilities to the College or to participate in curricular and/or extracurricular activities. Furthermore, reprisal or retaliation against a complainant, witness, or anyone with information about behavior in violation of this policy is strictly prohibited.
- IV. Nothing in this policy should be read to impede academic freedom or violate rights to free expression. The prohibition against aggressive, bullying, and/or violent behavior will not constrain commonly accepted workplace management practices (e.g. performance reviews, disciplinary action, changes in employee status, etc.) that are carried out consistent with College Policies.
- V. The President is authorized to develop procedures to implement this policy.

Board Approval: June 20, 2011; November 13, 2017.

Chapter: Personnel

Modification No. 003Subject: **Prevention of Bullying and Workplace Violence**

I. Purpose

- A. Montgomery College is committed to establishing and maintaining an environment in which the rights and dignity of all employees, students, and visitors are respected and where all members of the Montgomery College community can work and participate in College educational and/or workplace settings free from all forms of bullying and violent behavior.
- B. Bullying and violent behavior, as defined by this policy and procedure, will not be tolerated and the College will consider any violation of 31011/31011CP as an act of misconduct that will result in disciplinary action.
- C. The College has taken steps to prevent and promptly correct behavior not covered by this policy and procedure. Discriminatory conduct is covered by 31006/31005CP-Equal Opportunity and Non-Discrimination Policy and 41002/41002CP-Equal Educational Opportunity and Non-Discrimination Policy. Sexual misconduct, including sexual harassment, sexual assault, intimate partner violence/abuse, sexual exploitation, and sexual intimidation is covered by 31001/31001CP-Sexual Misconduct.

II. Scope and Applicability

- A. Employees, students, and visitors are prohibited from engaging in bullying, retaliation, and/or violent behavior, as those terms are defined in this procedure. This prohibition applies regardless of whether the behavior is exhibited toward other employees, students, or visitors.
- B. Individuals found to have violated this policy and procedure will be subject to disciplinary action in accordance with applicable College policies and procedures (such as 34002, 34002CP, 34003, and 34003CP) and/or collective bargaining agreements. Sanctions may include any available disciplinary measure, up to and including, discharge.
- D. In the event a third party (someone who is not a College employee or student) violates this Policy and Procedure against a College student or employee, the College will take appropriate action within its control to address the conduct and prevent its recurrence, including but not limited to, contacting law enforcement, and barring the third party from the College's property.

III. Definitions

- A. "Bullying" is abusive conduct that is threatening, unwelcome, aggressive, hostile, intimidating, harassing, and/or unreasonable behavior that demeans, mentally or physically intimidates, or humiliates people either as individuals or as a group. Bullying is typically a repeated course of conduct but may occur as a single incident. Bullying can be conducted by an individual or multiple individuals. Bullying may, but need not, result in physical harm; emotional and/or

psychological harm; economic harm; and/or reputational harm. Bullying is not limited to conduct between individuals with a certain relationship. For example, bullying may be peer to peer, subordinate to supervisor, supervisor to subordinate, and faculty/employee to student, among other relationships. Bullying includes, but is not limited to:

1. Verbal/written bullying, such as ridiculing, insulting, verbally abusing, or maligning a person, either in person or in writing; making abusive, threatening, or derogatory remarks to or about a person; and/or attempting to exploit an individual's known intellectual or physical vulnerabilities; and
2. Cyberbullying, such as bullying an individual using any electronic form, including, but not limited to, the internet, e-mail, cellular phones, and/or other electronic resources.
3. Conduct that amounts to bullying as defined here may, in appropriate circumstances, also meet the definition of other conduct discussed in 31011 and 31011CP, or elsewhere in the College's Policies and Procedures.

Bullying does not include the following conduct unless the conduct meets the definition set forth above:

1. A supervisor or any person with supervisory authority reporting and/or documenting an employee's unsatisfactory job performance and the potential consequences of such performance;
 2. A supervisor or any person with supervisory authority administering and/or recommending discipline;
 3. A College employee advising a student of unsatisfactory academic work and the potential for course failure or dismissal from a program; and
 4. A College employee advising a student of inappropriate behavior that may result in disciplinary proceedings.
- B. "Retaliation" is the punishment of or an action taken against an employee or student by a College employee or agent for: (1) reporting bullying and/or violent behavior; or (2) participating in an investigation into bullying and/or violent behavior. Retaliation can include, but is not limited to, demotion, discipline, discharge, salary reduction, and certain job/shift reassignment.
- C. "Violent behavior" includes physical violence toward a person and/or property, as well as threats of violence, whether direct or indirect. Violent behavior includes all forms of physical violence, all stated threats of violence, and behavior that would lead a reasonable person to believe that someone may act violently. Conduct that amounts to violent behavior as defined here may, in appropriate circumstances, also meet the definition of other conduct discussed in 31011 and 31011CP, or elsewhere in the College's Policies and Procedures. Examples of violent behavior include, but are not limited to:

1. Physically touching another person in a non-consensual manner, such as pushing, punching, shoving, kicking, and/or tripping;
2. Intentionally damaging a person's work area or personal property or College property;
3. Damaging, destroying, interfering with, and/or sabotaging another's work product;
4. Making a credible threat of violence toward another;
5. Making a credible threat to damage and/or destroy another's property or work product, or College property;
6. Directing threatening gestures toward a person;
7. Behaving aggressively or hostilely in a manner that creates an objective reasonable fear of physical injury to another person or property;
8. Making harassing or threatening telephone calls, or sending harassing or threatening letters or other forms of written or electronic communications;
9. Stalking (as defined in 31001-Sexual Misconduct);
10. Possessing a weapon, as defined in 77002-Prohibition of Weapons on Campus, while on College property or while on College business (unless specifically approved as a job-related requirement);
11. Using any object in a threatening or weapon-like manner;
12. Committing an act or acts of violence;
13. Engaging in overt physical intimidation and/or aggression.

- D. A "College educational and/or workplace setting" is defined as any location where an employee performs any work-related duty or student engages in any curricular or extracurricular activity. This setting includes but is not limited to, all College owned and leased premises, rental locations, off-site locations where College activities occur, and locations where College business, curricular, and/or extracurricular activities take place. College educational and/or workplace setting also includes online environments that the College operates and/or provides for employee or student use.

IV. Reporting Procedures

A. Situations Involving Violent Behavior and Bullying

1. If presented with bullying, violent behavior or the threat of violent behavior, aggressor, if possible, and notify the Office of Public Safety. If at an off-site location, contact 911 then notify the appropriate Office of Public Safety listed in IV, A, 4 below.
2. If a threat of violence is immediate, call 911 and provide all relevant details. After making the request for emergency assistance via 911, call the Office of Public Safety and provide all relevant details, including current location so that a Public Safety Officer can be dispatched to obtain additional information.
3. As soon as practical, employees shall report the incident to their supervisor or to someone in the employee's supervisory chain, and, if the aggressor is an employee, to the Director of Employee and Labor Relations (ELR). Upon notification, the supervisor is responsible for ensuring that ELR is notified.

4. In cases where a student is the reporting party and the aggressor is an employee, the Deputy Director of Public Safety for that campus or the closest campus for off-site locations is responsible for notifying the Director of ELR.

Westfield – TPSS

GBTC – Germantown

Community Engagement Centers – closest public campus

5. In all cases where the behavior rises to the level of a crime, it will be investigated as such. If the aggressor is a student, the incident may be investigated as a crime and as a violation of the Student Code of Conduct.
6. When reporting threats or acts of bullying or violence, employees, students, or visitors will provide as much detailed information as is possible and will, if requested, prepare a written report.

B. Response to Allegations

1. Upon receiving an allegation of bullying, violent behavior, or threat of violent behavior, the Director of ELR, or designee, will assess the allegation to determine whether the allegation falls within the scope of this Policy and Procedure and whether the allegation is supported by facts and circumstances.
2. After reviewing all facts and circumstances, the Director of ELR or designee may, where appropriate and with both parties' consent, attempt informal resolution prior to proceeding with the formal complaint process.
3. When informal resolution is inappropriate, the Director of ELR or designee shall recommend disciplinary action or other appropriate administrative action.
4. The Director of ELR, or designee, may place an employee accused of violating this Policy and Procedure on either paid or unpaid leave pending further investigation, depending on the circumstances of the complaint and evidence at hand. If the Director of ELR or designee decides to place an employee on paid or unpaid leave, the Director of ELR or designee shall comply with 34002-Disciplinary Action and Suspension and applicable collective bargaining agreements.

C. Good Faith Reporting and Non-Retaliation

The College prohibits retaliation against employees, students, and visitors who, in good faith, bring complaints regarding violations of this Policy and Procedure. An individual found to have knowingly filed a false allegation may be subject to appropriate disciplinary action. A complaint made in good faith is not considered false merely because the evidence does not ultimately support the allegation.

V. Faculty Staff and Assistance Program (FSAP)

- A. The FSAP Program, which includes counseling and referral services, is available to all employees, and should be used to prevent bullying, violent acts, and situations occurring in the workplace in accordance with section 35002.
 - B. Any employee who displays a tendency to engage in bullying and/or violent behavior, or who otherwise engages in behavior that the College deems harassing, threatening, and/or aggressive, may be required to contact the FSAP provider for assessment and referral for appropriate treatment or other services and subject to disciplinary action, up to and including dismissal.
 - C. A mandatory referral may be used only when the employee is facing imminent suspension or dismissal. A mandatory referral may only be made by the Office of Human Resources and Strategic Talent Management after consultation with the supervisor. If the employee chooses not to participate in the FSAP program, dismissal proceedings will be initiated. If the employee does choose to participate in FSAP, the employee will be required to sign a written statement, agreeing to an immediate referral to FSAP. Further, the employee will agree to sign a release of information statement allowing the Office of Human Resources, Development, and Engagement access to the following limited information: the employee's attendance, cooperation, and progress as specified by the FSAP provider, after the assessment has been made. If the employee does not cooperate with the recommendations of FSAP, then disciplinary proceedings shall begin.
- VI. Education
- A. Education is a key element of this Policy and Procedure. The College will provide education and information, as appropriate, for students and employees to enhance understanding and increase awareness of the College's Prevention of Bullying and Work Place Violence Policy and Procedures. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing educational programs to increase knowledge and share information and resources to prevent bullying and violent behavior, promote safety, and reduce perpetration of the conduct proscribed by this Policy and Procedure. Goals to be achieved through education include: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of prohibited conduct; (c) informing employees, students, and other members of the College community, including contractors, about the proper way to recognize and address complaints involving a violation of this Policy and Procedure; (d) preventing issues that this Policy and Procedure addresses, and; (e) identifying the necessary steps for preventing bullying and violent behavior and addressing its effects.
 - B. Workplace Bullying and Violent Behavior Advisory Team
 - 1. The College will establish a Workplace Bullying and Violent Behavior Advisory Team and shall include representation from Facilities, Public Safety, Human Resources, General Counsel, the College Ombuds, Equity and Inclusion, and others deemed appropriate by the President or designee. The Deputy Chief of Staff will convene the group quarterly, or as needed, and provide periodic reports to the President as directed.

2. This team will assist in promoting this Policy and Procedure by addressing bullying and violent behavior by reviewing best practices and college protocols. This Team will provide guidance in developing bullying and violent behavior prevention and education tools (such as incident reporting forms, pamphlets, guidelines, trainings and handbooks, etc.) to further assist in recognizing and preventing workplace violence.

Administrative Approval: July 11, 2012; November 27, 2017; April 19, 2019.

Chapter: Personnel

Modification No. 003Subject: **Employee Privileges**

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- I. The purpose of this policy statement is to identify certain privileges of full-time and part-time employees of Montgomery College within the employment environment. Many of these privileges are stated in other College policies and procedures.
- A. The College recognizes that employees expect privacy and freedom from coercion in all matters not connected with official duties, including choice of non-conflicting outside employment activities, associates, dress, physical appearance, and financial affairs, except insofar as such matters may adversely reflect upon the College or that disclosure of outside employment, activities and financial affairs may be required by the State Ethics Commission and under the College's conflict of interest policy and procedures.
 - B. Unless prohibited by law, an employee may examine all official personnel files and other records concerning one's employment pursuant to Policy 37001-Personnel Records; may submit materials to correct, rebut or clarify any information contained in those files or records; and may have materials not related to employment or official duties excluded from their records.
 - C. Employees have the right to full and equal consideration for employment and career development opportunities on the basis of demonstrated or potential ability for the job, without regard to age, color, citizenship status, covered veteran status, disability, gender, gender identity, genetic information, national origin, marital status, race, religion, sexual orientation, or for any other reason subject to applicable federal, state and county laws and regulations.
 - D. Employees have the right to form and join organizations of the employee's choice on professional matters and conditions of employment or refrain therefrom subject to the provisions of applicable law.
 - E. Employees will not be required or expected to perform personal, non-College related services; performance ratings will not be influenced by the performance or nonperformance of such services.
 - F. The College is committed to providing an environment in which College employees can participate freely in governance and any other College public forums or meetings in an atmosphere of civility and respect and without being subject to undue influence or fear of retaliation.
 - G. College employees have the right, as individuals, to free political expression and to participate in politics or political campaigns as individuals, not as representative of the College's position as an institution.
 - H. College employees have the right to perform job duties free from any obligation to contribute, financially or otherwise, or to render service to any candidate or political party.

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- I. College employees have the right to perform job duties free from any obligation to contribute, financially or otherwise, or to render service to any charitable organization.
 - II. College employees may expect that an effort will be made to resolve employee(s) problems or grievances and that there will not be retaliation for filing or assisting in filing a grievance or complaints alleging discrimination.
 - III. The President is authorized to establish procedures to implement this policy.

Board Approval: September 21, 1987; September 22, 2014; April 18, 2016

PROCEDURE - Montgomery College

31101CP

Chapter: Personnel

Modification No. 001

Subject: **Employee Privileges**

All supervisors of College employees are responsible for assuring that the personnel policies and procedures are implemented in accordance with the policy of the Board of Trustees regarding employee privileges.

Administrative Approval: September 21, 1987

Chapter: Personnel

Modification No. 001Subject: **Employee Responsibilities**

- I. The purpose of this policy statement is to identify some of the employment-related responsibilities of employees of Montgomery Community College. Many of these responsibilities are referenced in other College policies and procedures. This list is not all inclusive.
 - A. To perform job duties in accordance with the employee's job description and other duties as assigned.
 - B. To report to work on time and stay until the end of the work day; to comply with the time period established for meals and breaks; and to devote the entire working time, attention and energies to the business of the College.
 - C. To work cooperatively with associates and accept additional duties or responsibilities during peak workload periods or under emergency situations.
 - D. To arrange annual leave so as to minimize disruption to a work unit.
 - E. To safeguard and/or properly use information, including confidential information, in accordance with College policies and procedures.
 - F. To safeguard and properly use all College records.
 - G. To safeguard all property, equipment, and information to which an employee gains direct or indirect access as a result of employment.
 - H. To limit discussions about nonpublic College information to the work environment and to further limit those discussions to fellow employees who have a need to know requirement.
 - I. To bring to the attention of the appropriate person or persons and superiors any real or potential breach in security, invasion or destruction of property, or any activity which might be detrimental to the College.
 - J. To be a positive force for reason and understanding; to make a major effort at consciousness-raising to help others understand the true nature of racism, stereotyping, scapegoating and bigotry; to create an environment of reason and understanding consistent with the mission and goals of the institution; and to reflect this in the day-to-day operations of the institution.
 - K. To recognize that the Board of Trustees has placed on the President the responsibility for presenting to the Board the representative points of view of the College and that the President is the official channel of communication between the Board and the members of the College community and to utilize such channels to bring appropriate matters to the attention of the Board, consistent with Board policy regarding "communications" in the Board of Trustees bylaws.

- II. The President is authorized to establish procedures to implement this policy.

Board Approval: September 21, 1987

Chapter: Personnel

Modification No. 001

Subject: **Employee Responsibilities**

All supervisors of College employees are responsible for implementing the personnel policies and procedures in accordance with the policy of the Board of Trustees regarding employee responsibilities.

Administrative Approval: September 21, 1987

Chapter: Personnel

Modification No. 001

Subject: Political Activity—President; Designated College Officials

- I. The President is the principal representative of the College to the community. This unique representative role of the institution is perceived in nearly all activities of the President and renders extremely difficult any perception that the President is acting as an individual, apart from the College, regardless of the circumstances. This is especially the case when the President is acting in a public arena or in a way that could be communicated to third parties (such as written endorsements, etc.)
- II. Although the Policy of the Board of Trustees with respect to Political Activity (31004) permits College employees to engage in political activities, generally, so long as such employees make it clear that their actions are an expression of their own individual feelings and do not represent the College's position as an institution, this liberal permission for employees to engage in political activities is not appropriate for the activities of the President given the perceptions of the President's representative role. The President should continue to represent the College and its interests as an institution, including representation in such political activities as meetings and discussions with elected and appointed officials and taking positions with respect to legislation, budgetary actions, taxation and finance, and political questions (including but not limited to Charter questions).
- III. Accordingly, it is the policy of the Board of Trustees that the President be subject to and confine any political activities in accordance with the following guidelines:
 - A. May not be identified with or become part of an endorsement committee or similar group for any political candidate or party.
 - B. May not directly or indirectly state or declare in writing "support" for a candidate.
 - C. May not attend fundraisers for political candidates or political parties (however, may write campaign contributions as an individual—of course, may not seek reimbursement of any kind from the College for such contributions).
 - D. May not be involved in scheduling use of facilities of the College or otherwise involved in any meetings or programs of political candidates or political parties using the facilities of the College or any other assets of the College (each candidate may be directed to the staff person responsible for use of facilities or assets, where all candidates are given equal access on equal terms).
 - E. May not comment in any mass media on any candidate except as otherwise permitted in this Policy; may comment on matters of interest to the College.
 - F. May engage in educational forums and activities as authorized by the Board of Trustees.
 - G. May encourage registration to vote unless done in such a way as to favor a particular candidate or political party.
 - H. May represent the College as an institution with respect to political issues affecting the College, and may express support for positions that are deemed in the best interest of

the College. This representation may include oral and written statements and discussions with elected and appointed officials and other members of the community, including the mass media, taking and advocating positions with respect to political issues, including but not limited to proposed or needed legislation, budget, taxation and finance actions, actions related to constitutional and charter questions and all other political matters and actions that may affect the College as an institution and the ability of the College to perform its mission in the community.

- IV. In addition, the President is authorized to designate certain College officials and employees ("Designated Officials") who because of their unique positions and authority are similarly unable to act as individuals in political activities without being perceived as also acting as representatives of the College. The President may implement guidelines for the political activities of these Designated Officials that are no more stringent than guidelines applicable to the President under this Policy, but may be less restrictive and may be unique to a particular position or positions.
- V. The President is authorized to establish procedures to implement this policy.

Effective Date: December 10, 2001.

Modification Date(s): n/a

Last Review Date: October 14, 2024.

Chapter: Personnel

Modification No. 001

Subject: **Medical Examinations and Fitness for Duty**

- I. Montgomery College is committed to providing a safe workplace for the benefit of the College community. In order to provide a safe work environment, employees must be able to perform their job duties in a safe, secure, productive, and effective manner. Employees who are not fit for duty may present a safety hazard to the employee, other employees, students, and others.
- II. It is the policy of Montgomery College that the College may require current employees to undergo a medical examination to determine the employee's fitness for duty under limited circumstances to ensure the safety of the employee, other employees, students, the College, or the public. The College will cover the evaluation costs of any mandated referrals the College makes to a licensed physician or mental health provider. Any such medical examinations must be conducted in full compliance with applicable law, including the American with Disabilities Act. Medical examinations shall not be used as a substitute for disciplinary action. The President will provide notification to the Board of Trustees of any medical examination initiated pursuant to this policy.
- III. Nothing in this policy supersedes or alters the policies set forth in 32106-Employment of Individuals with Disabilities or 35004-Leave Program.
- IV. The President is authorized and directed to establish procedures necessary to implement this policy.

Board Approval: January 24, 2018

Chapter: Personnel

Modification No. 004

Subject: **Medical Examinations and Fitness for Duty**

I. Purpose and Scope

- A. The purpose of these procedures is to:
 - 1. Ensure that applicants and employees possess the requirements expected, described within the position that are necessary to perform the essential functions of the job, or noted elsewhere in College Policies and Procedures.
 - 2. Evaluate an employee's fitness for duty when an employee is:
 - a. Having observable difficulty performing work duties in a manner that is safe for the employee, other employees, students, the College, or the public; or
 - b. Posing an imminent and serious safety threat to the employee or to others.
 - 3. Protect employees, students, visitors, and College property.
- B. A medical examination is defined as a procedure or test that seeks information about an individual's physical or mental impairments or health related to the employee's essential job functions.
- C. These procedures apply to all applicants and current employees.
- D. If the College requires a medical examination under these procedures, the College will pay for the medical examination.
- E. Nothing in these procedures supersedes or alters the procedures set forth in 32106CP-Employment of Individuals with Disabilities or 35004CP-Leave Program.

II. Requirements for Applicants

- A. The College may not ask disability-related questions or require medical examinations before offering a job to an applicant. The College may, however, ask about an applicant's ability to perform specific job functions, state the physical requirements of a job, ask if an applicant can satisfy the job's physical requirements, ask about an applicant's non-medical qualifications and skills; and ask applicants to describe or demonstrate how they would perform job tasks.
- B. An applicant for employment to whom a conditional job offer has been made, may be required to take a medical examination to establish the applicant's fitness to perform the job(s) for which the applicant has been extended an offer without endangering the health and safety of the applicant or others. If management

determines that an examination is appropriate to a particular position, all applicants for the job to whom a conditional offer of employment has been made must be examined.

- C. If an applicant refuses or fails to participate in a required medical examination that is given under established standards and guidelines, refuses or fails to provide medical records, or submits inaccurate or falsified medical forms or records, the College may withdraw the conditional job offer and not consider the applicant for employment for that job.

III. Requirements for Current Employees

- A. An employee may be required to have a medical examination when the examination is job-related and consistent with business necessity (i.e., successful operational functioning), as determined by the chief human resources officer.
- B. If a supervisor believes an employee has a medical condition that is affecting employee performance, the supervisor should inform the Chief Human Resources Officer or designee, and the Chief Human Resources Officer or designee may recommend that the employee undergo a medical examination.
 - 1. The referring supervisor may request a medical examination that is job related and consistent with business necessity, such as when:
 - a. an employee's conduct creates a reasonable belief that a threat to the health or safety of the employee or others, or to College property, exists; or
 - b. there is objective evidence that the employee cannot perform the essential job functions.
 - 2. The grounds for seeking a medical examination may become evident from a supervisor's observations and/or receipt of a reliable report of an employee's possible lack of fitness for duty. Observations or employee self-reports may include, but are not limited to difficulties with manual dexterity, memory, coordination, alertness, speech, vision acuity, concentration, response to criticism, interactions with co-workers and supervisors, outbursts, hostility, violent behavior, suicidal or threatening statements, change in personal hygiene, and/or reasonable suspicion (via odor or observation) of drug or alcohol use.
 - 3. The supervisor should consult in advance with the Chief Human Resources Officer or designee about how and whether to speak with the employee about requiring a medical examination.
- C. The Chief Human Resources Officer or designee may require an employee to discontinue work and undergo a medical examination when the Chief Human Resources Officer or designee has a reasonable belief, based on objective evidence that:

1. the employee's ability to perform essential job functions is impaired, or
 2. an employee poses a direct threat to the employee or others.
- D. If an employee refuses or fails to participate in a medical examination or a fitness-for-duty evaluation, refuses or fails to provide medical records, or submits inaccurate or falsified medical forms or records, the College may take appropriate disciplinary action against the employee up to and including termination of employment.

IV. Medical Examination Procedures

- A. The College will select a licensed physician or mental health provider to perform the examination and report the findings to the Chief Human Resources Officer or designee. The medical provider conducting the examination shall have a clear understanding of the essential functions of the applicant's or employee's position and the working conditions for that position. The medical examination under this Procedure, and the information the College obtains as a result, should be limited in scope based on the reason for the examination. For example, if the medical examination is being required because of concerns that an employee will pose a direct threat, the examination should be limited to determining whether the employee can perform the employee's job without posing a direct threat.
1. The College will cover the evaluation costs of any mandated referrals the College makes to a licensed physician or mental health provider. If the applicant or employee selects their own provider, the applicant or employee will be responsible for the cost of the evaluation. The physician or mental healthcare professional selected to conduct the evaluation must be qualified to provide an effective assessment relevant to the evaluation questions at hand. The applicant or employee should consult with the Chief Human Resources Officer, or designee before selecting their own mental healthcare professional to clarify qualifications. The applicant or employee will be asked to sign a release authorizing the healthcare professional to discuss the evaluation with the Chief Human Resources Officer, or designee.
 2. The Chief Human Resources Officer, or designee shall review the report and recommendations submitted by the applicant's or employee's provider and may seek a secondary evaluation from an independent healthcare professional of the College's choice if it is determined that the professional selected by the applicant or employee does not have the expertise to give an opinion about the questions at hand, the information submitted does not specifically address the referral provided by the College, or there are other factors that indicate the information submitted is not credible or is fraudulent. This evaluation will be at no cost to the applicant or employee.
 3. The Chief Human Resources Officer, or designee shall provide the applicant or employee with a specified period in which to be evaluated. If an applicant or employee refuses to undergo an evaluation, does not attend the evaluation at the time it is scheduled, or refuses to provide a

release authorizing the healthcare professional to discuss the evaluation with the Chief Human Resources Officer, or designee, any conditional job offer to the applicant may be withdrawn and the current employee may be subject to disciplinary action for failure to comply with the directive of a College official.

- B. The professional making the evaluation shall make an individualized and objective assessment of the applicant's and employee's ability to safely perform the essential job functions without endangering the health and safety of themselves or others, based on a reasonable professional judgment relying on the most current professional knowledge and/or the best available objective evidence.
 - 1. This assessment shall include a determination of the nature, duration and severity of the risk posed by the applicant or employee to the health or safety of others, the probability that the potentially threatening injury will actually occur, and whether reasonable modifications of policies, practices or procedures will sufficiently mitigate the risk.
 - 2. The professional will, with appropriate authorization, share their recommendation with the Chief Human Resources Officer, or designee, who will consider this recommendation in making an employment decision. A copy of the professional's recommendation will be provided to the applicant or employee.
 - 3. If the evaluation results in a determination that the applicant's or employee's condition presents no significant risk to the health or safety of others, and no significant threat to property, to the lawful activities of others, or to the educational processes and orderly operations of the College, no further action shall be taken except as a result of sanctions resulting from a violation College Policies and Procedures.
- C. Upon receipt of the evaluating physician's or mental health provider's evaluation that the applicant or employee is a qualified individual with a disability under the Americans with Disabilities Act, the College should follow the procedures set forth in 32106-Employment of Individuals with Disabilities, as applicable, with respect to reasonable accommodations.
- D. The Chief Human Resources Officer may withdraw the conditional job offer if the physician or mental health provider determines the applicant is not a qualified individual under the ADA and cannot perform the essential duties of the job or would be a direct threat to the health or safety of the applicant or others.
- E. If the evaluation finds that an employee is not a qualified individual under the ADA and cannot perform the essential duties of the job or would be a direct threat to the health and safety of the employee or others, then the Chief Human Resources Officer may initiate the appropriate termination process.
- F. An employee who is adversely affected by a determination under the Medical Examination Procedure may file a complaint under 31006-Equal Employment Opportunity and Non-Discrimination (for appeals of reasonable accommodations)

or initiate a grievance under the appropriate College Policy and Procedure or collective bargaining agreement.

V. Confidentiality and Use of Records

- A. Medical examinations paid for by the College and the examination records will be treated as confidential and kept in separate medical files, not in an employee's personnel file.
- B. When mandating a medical examination, the College will require the employee to sign appropriate consent forms that permit appropriate reporting as to the employee's fitness, recommendations with respect to fitness, and any limitations and restrictions placed on the employee arising from the employee's health condition. The College will not disclose medical or psychological information without the consent of the employee or except as may be required by law.
- C. The results of a medical examination shall not be used to discriminate against an applicant or employee.
- D. When the College requires a pre-employment medical examination or other medical examination under this Procedure, it shall not request genetic information, including family medical history, of the applicant or employee.
- E. The College shall include the following language from 29 C.F.R. § 1635.8(b)(1)(i)(B) when requiring medical examinations:

"The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information" as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services."

V. Evidence of Freedom from Communicable Disease

A. Requirements.

It is required as a condition of employment that:

- 1. Every person connected with a food service facility whose work brings them in contact with the production, handling, displaying, serving, or storing of food, drink, or utensils, must furnish all information, permit any physical examination and submit any laboratory specimens or test results that the College may require for the purpose of determining their freedom from a communicable disease in accordance with the Montgomery County Code.

2. Center for Early Education workers are governed by the State laws and therefore must obtain appropriate testing and provide certification as required by law.

B. Procedures

1. The evidence of freedom from communicable disease, as defined by county or state law, may be in the form of a signed physician's statement or other official health certificate indicating that, by means of a medically recognized method, the person concerned has been found to be free of communicable disease at the time of employment at Montgomery College. This evidence must be submitted prior to reporting for work, and no prospective employee will be considered as employed until this requirement has been satisfied.
2. All food service employees employed by the College, as well as faculty, staff, or students participating or enrolled in programs or courses which involve the handling of food, or the supervision of its preparation or serving, will submit evidence of freedom from communicable disease as determined by the College.
3. The Montgomery County Code also requires that such persons be free of all communicable diseases and infected wounds, sores, or lesions on exposed parts of the body. Although no initial or periodic certificate is required, supervisors are held responsible for reporting suspected carriers and reporting them to the proper authorities for proper verification of their health condition.
4. The Montgomery County Code defines a food service employee as "Any person, including owner or manager, who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room in which food or drink is prepared or served."

Administrative Approval: September 21, 1987; September 27, 1990; August 24, 2010; February 13, 2018.

Chapter: Personnel

Modification No. 002Subject: **Consensual Relationships**

- I. The College's mission is supported by professionalism in student-faculty relationships and in supervisor-supervisee relationships. Professionalism is fostered by an atmosphere of mutual trust and respect. Taking note of the respect and trust accorded a faculty member by a student and a supervisor by a supervisee, all College employees recognize that they are presumed to make decisions regarding their relationships with students and supervisees that will not compromise this atmosphere of mutual trust and respect. Employees should be aware of the possibility that an apparent consensual amorous relationship with a student or supervisee may be interpreted or may appear (either now or at a later date) as nonconsensual and, therefore, sexual harassment. Further, an apparent consensual relationship may give to third parties the appearance of unfair bias or favoritism on the part of the faculty member or supervisor towards the student or supervisee.

Accordingly, it is the policy of the Board of Trustees that its employees shall not maintain, engage in or undertake an amorous relationship or permit one to develop with a student who is enrolled in the employee's class or supervisee who is subject to that person's supervision or where an evaluative relationship exists, even when both parties appear to have consented to the relationship. As an example, this policy includes the position that faculty members shall not engage in a romantic social relationship with students who are enrolled in their class; similarly, supervisors are expected to refrain from dating persons they supervise or evaluate, directly or indirectly.

- II. The mere fact that an amorous or romantic relationship exists between two persons either one of which may be an employee of the College or is a student at the College, in and of itself, is not addressed by this policy nor is there any specific or implied prohibition of such relationships. It is only when such relationships occur in the context of the special obligations and power of faculty-student relations (where the student is currently in a class taught by the faculty member) or a supervisor-supervisee relationship that the concerns addressed by this policy apply, including concerns regarding appearance or real conflicts of interest and potential for claims of sexual harassment against the College and others.
- III. The Board of Trustees does recognize that consensual amorous relationships may exist prior to the time a student is assigned to a faculty member, as a member of that person's class or is placed in a situation where the employee must supervise or evaluate the student. It is also recognized that such a relationship may exist between co-employees prior to the time when one of those employees becomes the supervisor of the other. Special provisions shall be made to appropriately accommodate such situations so long as these relationships are timely disclosed by the faculty member or supervisor involved and the purpose of the policy to avoid conflicts of interest and the appearance of conflicts of interest is accomplished.
- IV. Education is a key element of this policy. The College will provide education and information, as appropriate, for students and employees to enhance understanding and increase awareness of the College's Consensual Relationships Policy. Any mandatory education requirements will be announced and posted on the College's website. The

President is authorized to provide institutional leadership and guidance for developing education programs to promote awareness about hate/violence. Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of conduct that is proscribed; (c) informing employees, contractors, and students about the proper way to recognize and address complaints involving a violation of this policy; (d) preventing issues that this Policy addresses; and (e) identifying the necessary steps for preventing its recurrence and addressing its effects.

- V. The President is authorized to establish procedures to implement this policy with respect to College employees.

Board Approval: January 26, 2004; February 25, 2013.

Chapter: Personnel

Modification No. 001Subject: **Consensual Relationships**

I. General

- A. It is the policy of the College that its employees shall not maintain, engage in or undertake an amorous relationship or permit one to develop with a student or supervisee who is enrolled in the person's class or is subject to that person's supervision or evaluation, even when both parties appear to have consented to the relationship.
- B. This procedure does not address or prohibit an amorous or romantic relationship between two persons either one of which may be a member of the faculty, an employee of the College or a student at the College, so long as there is not a faculty-student relationship (where the student is currently in a class taught by the faculty member) or a supervisor-supervisee relationship between them. Where there exists such a faculty-student or supervisor-employee relationship, this procedure shall apply in order to address, among other concerns, concerns regarding apparent and real conflicts of interest and potential for claims of sexual harassment against the College and others.
- C. The College does recognize that consensual amorous relationships may exist prior to the time a student is assigned to a faculty member's class or is placed in a situation where an employee must supervise or evaluate the student. It is also recognized that such a relationship may exist between co-employees prior to the time when one of those employees becomes the supervisor of the other. This procedure addresses such situations to permit these relationships to continue but to adjust the faculty-student or supervisor-supervisee relationship to avoid conflicts of interest.
- D. For purposes of this procedure, an amorous relationship is a recent romantic relationship if it is ongoing or has been in existence at any time within the six months immediately preceding the assignment of the student or supervisee to the employee. An amorous relationship that existed more than six months in the past and is no longer in existence is not subject to this procedure. Examples of amorous relationships addressed and affected by this procedure include but are not limited to:
1) A faculty member engaging in a romantic social relationship with a student who is enrolled in a class taught by that faculty member, and; 2) A supervisor engaging in a romantic social relationship with an employee who works for the supervisor and is supervised by the supervisor for purposes of performance evaluations and work assignments.

II. Procedures

Where the employee has, or has had a recent amorous relationship with the student or supervisee, the following procedures shall be followed:

- A. If possible, the student should be counseled and advised in his or her course selections to avoid course sections taught by an instructor with whom the student has or has had a recent consensual amorous relationship. Efforts should likewise be made to place a subordinate under the supervision of another supervisor where the supervisor has or has had a recent consensual amorous relationship with the subordinate.
- B. In the event it is not possible for the student to avoid the class taught by the faculty member or for the supervisee to avoid the supervision of the supervisor, the faculty member shall advise his or her department chair and dean and the supervisor shall advise his or her supervisor of the present or recent consensual amorous relationship and the following steps shall be taken:
 - 1. The department chair shall appoint another member of the faculty to evaluate the student's written work, such as essays, research papers, essay tests, care plans, etc.
 - 2. The department chair shall appoint another member of the faculty to evaluate the student's non-written work or performance such as artistic performances, teaching practice or clinical practice.
 - 3. When an appropriate instructor is not available to evaluate the student's work, the department chair will conduct the evaluation.
 - 4. A student should not be assigned to a faculty advisor or counselor with whom the student has or has had a recent consensual amorous relationship. The faculty advisor/counselor should request that the student be reassigned.
 - 5. A supervisor will request that his or her supervisor evaluate the supervisee employee and if such evaluation is not available, he or she will request that a supervisor of a related department evaluate the employee.
 - 6. The supervisor will recuse himself or herself from discussion or consideration of the employee for promotion, hiring or determination of salary.
- C. A College employee who fails to follow the policy set forth in subparagraph B above, and does not withdraw from participation in activities or decisions which may reward or penalize a student or supervisee with whom the employee has or has had a recent consensual amorous relationship in accordance with this policy, will be in violation of this policy and subject to disciplinary action.
- D. Persons who are married, or were married, are included within the definition of those persons having, or who have had, a consensual amorous relationship.

- E. Any person may file a written complaint alleging violations of this policy regarding consensual relationships. A complainant may file this complaint with a Supervisor of the Faculty member or Supervisor employee involved within 180 days after the date the alleged violation occurred or, if the complaint alleges sexual harassment, with the Director of the Office of Equity and Diversity on a form to be provided by the Office of Equity and Diversity. If the complainant wishes to claim sexual harassment, the Complainant must file the complaint with the Office of Equity and Diversity within ten days of making a separate written complaint in another form or within 180 days after the date the alleged violation occurred, whichever first occurs, or waive all claims of sexual harassment. The complaint shall set forth the name, address, and telephone number of the complainant, the facts of the alleged violation, the date(s) of the alleged violation, the name or names of the charged individual(s), the requested remedy, and any further information the complainant believes relevant to the matter

Administrative Approval: January 26, 2004.

Chapter: Personnel

Modification No. 001Subject: **Allocation, Recruitment, and Appointment of Regular Employees and Temporary with Benefits Employees**

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- I. Montgomery College is committed to recruiting and hiring a diverse and inclusive workforce that is representative of the community that we serve. Our human resources are critical to our success and our ability to engage with students and the community. The College is dedicated to a recruitment and hiring process that reflects our mission and values.
 - II. New positions are established by the Board of Trustees upon the recommendation of the President. Positions are requested through the planning and budget development processes. The need and basic requirements of each position(s) are identified based on these processes that are aligned with the College's strategic and operational plans and needs of the College.
 - III. In accordance with applicable laws and the College's commitment to access, equity, and diversity, the College does not discriminate against any student, employee, or applicant for employment on the basis of age, color, citizenship status, covered veteran status, disability, gender, gender identity and expression, genetic information, national origin, marital status, race, religion, sexual orientation, or for any other reason protected by federal, state and county laws and regulations. The College also prohibits retaliation against employees and students who, in good faith, bring complaints regarding perceived discrimination.
 - IV. To assure that all applicants are treated equitably, it is the policy of the Board of Trustees that all candidates will be evaluated in accordance with the needs of the college and standards and qualifications outlined within the job classification specification, the position description, the position vacancy announcement, evaluation criteria or benchmarks for the interview, skill assessments or teaching demonstration or any other reasonable assessment metric established for the position. Confidentiality will be maintained at all times during the hiring and recruitment process, where appropriate.
 - V. The president, or designee, has overall responsibility for the recruitment, selection and appointment of all employees, subject to available funding and confirmation by the Board of Trustees. Montgomery College is committed to providing equal employment opportunity for all employees and applicants. Equal opportunity extends to all aspects of the employment relationship, including but not limited to recruiting, hiring, placement, promotions, training, working conditions, transfer, leaves of absences, compensation, and benefits.
 - VI. A position may be filled without a recruitment (e.g., by appointment, promotion, or reassignment) when it is in the best interests of the College. The president, or designee, has final approval authority for such recommendations.
 - VII. The President is authorized to establish and implement procedures necessary to implement this policy

Board approval: January 27, 2021

Chapter: Personnel

Modification No. 001**Subject: Allocation, Recruitment, and Appointment of Regular Employees and Temporary with Benefits Employees****I. Introduction**

- A. The College is committed to the consistent application of employment policies; fostering of ethical and nondiscriminatory practices in all matters related to employment; facilitating identification of the best possible candidate for each available position; providing opportunities for career growth and development for existing employees.
- B. The Chief Human Resources Officer has primary responsibility for coordinating and administering the policies and procedures relating to employment practices. It is the responsibility of the Chief Human Resources Officer to monitor all selection procedures for compliance with applicable equal employment opportunity guidelines.

II. Roles and Responsibilities

- A. Hiring Manager: The hiring manager has the primary responsibility to initiate and monitor the recruitment process. The hiring manager is accountable for a timely and responsive screening and interview process. The hiring manager, in collaboration with the appropriate unit administrator, is responsible for making the final determination as to which candidate to hire and submitting documentation. Apart from forwarding details about open positions to potential applicants during recruitment, under no circumstances should a hiring manager communicate with any candidate outside of the formal process regarding the position to which the candidate is applying.
- B. HRSTM Recruiter: Human Resources and Strategic Talent Management (HRSTM) assigns a recruiter to manage the recruitment and hiring process, and to act as a resource by providing guidance and ensuring that the process is consistent with approved College policies and procedures. The recruiter is responsible for supporting the hiring manager by facilitating the recruitment process through posting of job announcements, sourcing candidates, ensuring a broad and diverse pool of applicants, screening applications and forwarding qualified candidates to the hiring manager. The recruiter is the first point of contact for resolving any recruitment related issues. Additionally, HRSTM is responsible for developing the necessary contracts or letters of employment upon completion of the necessary procedures, and for making any employment offer on behalf of the College.
- C. Search Advocate: a search advocate may be embedded in the search to enhance the equity, validity, diversity and inclusion of the recruitment. In collaboration with the HRSTM and Office of Equity and Inclusion (OEI) representative, search advocates serve as a neutral process advisor to hiring managers, search committee chairs, and search committee members in promoting a focus on equity, inclusion, and integrity throughout the recruitment process.

- D. Search Committee: a committee consisting of peers and stakeholders may assist a hiring manager with the hiring process. Search committee contributions may include reviewing and screening applicants, interviewing, and assessing candidates. The search committee serves in an advisory capacity. If a search committee is not used, additional consultation with the HRSTM recruiter is required. Under no circumstances should a search committee member communicate with any candidate outside of the formal process

III. Scope and Applicability

- A. Prior to initiating any process to fill a vacant position, approval must be obtained by senior management to determine whether the position is still budgeted or is still needed based on the best interests of the College.
- B. The determination of whether to fill a position by appointment, promotion or competitive search shall be made by the hiring manager with the approval of the unit administrator and in consultation with HRSTM. A search may not be required if filling the position by other means is determined to be in the best interest of the College. In this case, the approval of the division's senior administrative leader and the Chief Human Resources Officer or designee is required. Appointment or promotion to Administrator positions requires the approval of the president.
- C. Administrator and Staff Positions
 - 1. The hiring manager confers with their supervisor, the appropriate area administrator and/or senior leader, and HRSTM to assess and determine the workforce and staffing needs within the unit thorough evaluation of the department, program, or area needs and relevant workforce and enrollment data and analysis.
 - 2. If a position is to be filled by recruitment, the hiring manager will draft a new position description or will update the existing position description. The position description is submitted for review and approval through the appropriate channels. HRSTM conducts the final review of the position description to confirm job title, grade, salary range, bargaining and FLSA status. A current, approved position description is required for a recruitment request to commence.
 - 3. The hiring manager must request and receive appropriate approvals, as determined by senior leadership, before recruitment can begin. Upon appropriate approvals, the hiring manager will notify HRSTM and recruitment can be initiated.
- D. Full-time Faculty
 - 1. The Academic or Student Affairs division will assess and determine the staffing needs through a thorough evaluation of department, discipline, and program needs and relevant enrollment data and analysis.
 - 2. Requests to fill full-time faculty positions must receive appropriate approvals, as determined by senior leadership, before recruitment can

begin. Upon approval of the appropriate senior vice president, the hiring manager will work with HRSTM to initiate the recruitment.

3. If a full-time faculty position is approved to be filled by recruitment, the dean (hiring manager) will draft a new position description or will update the existing position description. The position description is submitted for review and approval through the appropriate channels. HRSTM conducts the final review of the position description to confirm job title, rank, and salary range. A current, approved position description is required for a recruitment request to commence.

E. Acting or Interim Appointments

Individuals may be assigned to an interim or acting role. The manager of the vacant position will consult with their supervisor, the relevant administrator for the unit, and HRSTM if a vacancy is to be temporarily filled by an acting or interim assignment. In these cases, selection of employees to serve as acting or on an interim basis should be based on the qualifications of the employee and needs of the College and will normally be for no more than one year. HRSTM will monitor all acting and interim positions and work with the unit manager to develop a recruitment strategy and plan to permanently fill the position.

IV. Appointment or Promotion

- A. The manager of the vacant position will consult with their supervisor, the relevant administrator for the unit, and HRSTM if a vacancy is to be filled by appointment or promotion.
- B. The Chief Human Resources Officer or designee will make an appointment or promotion offer to the selected individual for the selected position.
- C. If the individual selected does not accept the appointment or promotion, then the hiring manager will work with the recruiter to initiate a competitive recruitment and selection process.

V. Competitive Recruitment and Selection Process

A. Recruitment Strategy and Plan

1. Once a position is approved for recruitment, HRSTM will notify the hiring manager of the approval and assign a recruiter to the recruitment. The recruiter will conduct an intake meeting with the hiring manager.
2. In some instances, an external search firm may be used in order to broaden the reach and scope of a recruitment. The use of an external search firm must be in compliance with the College's procurement procedures and must be approved in advance by the Chief Human Resources Officer.
3. The hiring manager, in consultation with HRSTM, may decide to fill a vacancy by the following recruitment methods:

- a. by conducting an “**internal/external**” recruitment, which is open to all qualified college employees and the general public; In most cases, position vacancies will be posted internally for a limited period of time before external posting to allow current employees an opportunity to express interest and be considered.
- b. by conducting an “**internal only**” search, which is open to individuals currently employed with the college, including regular employees, temporary with benefits staff, part-time faculty, and casual temporary employees both within and outside of the hiring unit. Internal applicants must be in good standing, as defined by the most current guidelines from HRSTM, Employee and Labor Relations, in order to be eligible for consideration. In most cases, employees must successfully complete the 6-month probationary period prior to applying for other positions, see Changes in Employee Status 34001CP. However, this may be waived by the Chief Human Resources Officer or designee when the determination is made that it is in the best interest of the College;
- c. by conducting a “**division only/department only**” internal search, which is open to all eligible employees within the hiring division or the hiring department. Division only/department only recruitments require the approval of the senior vice president who oversees the unit and the Chief Human Resources Officer or designee. Divisions or departments with positions that are placed across locations and/or with multiple shifts will normally require, at minimum, an internal or department/division search.

B. Screening Applicants

1. The HRSTM recruiter will screen all applications to determine which applicants appear to meet the minimum qualifications. The applications of qualified candidates will be reviewed by the hiring manager to confirm the initial screening and determine candidates to be forwarded to the committee, if relevant.
2. The recruiter is responsible for ensuring an adequately diverse applicant pool. If the pool is determined to not be diverse, additional efforts will be taken to diversify the pool of candidates.

C. Search Committees

1. A search committee is generally recommended for budgeted positions. If a search committee is used, the search advocate will be selected from a list of trained search advocates in collaboration between HRSTM and the hiring manager.
2. For administrator, full-time faculty position, and staff positions at grade 31 and above, a college-wide search committee is required. The hiring manager will appoint members representative of the College community's population, ensuring that the committee is diverse. Additionally, consideration for committee membership should include

relevancy of departments/disciplines/areas of the college, types of role and responsibility, and location and/or campus. In some instances when subject matter expertise is needed or the position may interact with College partners, individuals who are not employees of the College may be invited to participate in the search with advance approval by HRSTM and subject to all search committee member requirements.

3. A tiered interview process may be used in place of a traditional search committee format. In this process, a candidate will complete multiple interviews with different individuals. The hiring manager must consult with their supervisory chain and the recruiter throughout this process.
4. If a search committee is used, the hiring manager may lead the search committee or may choose to delegate the responsibility and appoint an individual to serve as chair of the committee. The hiring manager is required to meet with the search committee to provide them direction and outline the parameters of the search.
5. The hiring manager or the chair of the search committee will notify the HRSTM recruiter as to which candidates are to be interviewed by the supervisor and/or the committee.

D. Interviews

1. The purpose of an interview is to better assess and understand a candidate's skills, experience, and background. The interview should also provide an opportunity for the candidate to gain a better understanding of the College, culture, and expectations of the position.
2. The hiring manager and HRSTM recruiter will partner to review the parameters related to interviews, including teaching demonstrations, presentations, skills tests, writing samples, and any other relevant aspects of the interview process.
3. A structured interview format will be used to ensure a fair and equitable process for each candidate and in accordance with interview guidelines from HRSTM.
4. The hiring manager will ensure that interviews take place in an appropriate location that is accessible, equipped appropriately, and ensure that accommodations are provided for those candidates who request them.

E. Selection and Documentation

1. If a search committee is used, upon completion of the interview process, the search chair will submit a summary of the committee's evaluation of the interviewed candidate's strengths and weaknesses.
2. The hiring manager, in collaboration with the unit administrator, is responsible for making the final determination as to which candidate to hire. The search committee's feedback is considered by the hiring manager when making a hiring decision.

3. The hiring manager is responsible for completing and submitting the recruitment documents, with appropriate required documentation, to HRSTM as outlined on the HRSTM website.
4. The recruiter will be responsible for reviewing the information and initiating salary placement documents. The recruiter will ensure that the selected candidate has submitted complete information.
5. HRSTM has responsibility for making initial salary placement determinations for staff and administrator positions. For full time faculty positions, the dean and HRSTM will determine the initial salary placement
6. Hiring Managers are expected to communicate directly with any current employee applicants in their direct supervisory chain who are not selected for consideration or hire. The HRSTM recruiter is responsible for communication and notifications of non-selection to internal candidates outside the hiring manager's direct supervision and external candidates.
7. Salary determination will be made in accordance with 35001 Compensation Programs or the appropriate collective bargaining agreement.
8. HRSTM is responsible for communicating the official written offer to the candidate on behalf of the College.
9. Upon acceptance of the offer, the recruiter will be responsible for providing written instructions to the candidate regarding the completion of required employment forms and related data and documentation.
10. HRSTM then conducts conditional background checks for relevant positions and processes new hire for onboarding.

VI. Confidentiality

Confidentiality will be maintained throughout the recruitment and hiring process except for the purpose of conducting background and reference checks.

VII. Sanctions

Deviations from this policy and procedure may be subject to disciplinary action pursuant to Policy 34002-Disciplinary Action and Suspension.

VIII. Education

Education is a key element of this Policy. The College will provide education and information, as appropriate, to enhance understanding and increase awareness. All individuals involved in the recruitment process are required to complete training before they may participate in a search. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing education programs to increase

knowledge and share information and resources to ensure a fair and equitable hiring process. Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their roles and responsibilities; (b) notifying individuals of conduct that is proscribed; and (c) informing employees and other members of the college community about the proper way to recognize and address complaints involving a violation of this Policy.

Administrative Approval: February 2, 2021

Chapter: Personnel

Modification No. 007Subject: **Employment Practices**

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- I. Employee hiring decisions are among the most crucial decisions made at Montgomery College. To this end, an effective recruitment and selection process leading to the hiring decision is essential to the vitality and future of the College. The College's process should provide for the efficient, effective and consistent application of employment policies; foster ethical and nondiscriminatory practices in all matters related to employment; facilitate seeking out the best possible employee for each available position; and enhance the employment opportunities of members of protected classes.
 - II. References and/or background investigations will be required as a condition of employment and will include, based on each position, any or all of the following:
 1. Verification of an applicant's education.
 2. Verification of previous employment listed on an employment application.
 3. Criminal background checks.
 4. Verification of applicant's professional licenses, if required for the job.
 5. Reference checks.
 6. Verification of a valid motor vehicle operator's license, if required for the job, and verification of the maintenance of a safe driving record.
 - III. In accordance with applicable law, the College only employs individuals who are authorized to work in the United States.
 - IV. The President has the overall responsibility for allocating positions; recruiting; determining qualified applicants; approving salary placements; and making final selection and appointment of all employees, subject to confirmation by the Board of Trustees of the employment of employees in regular budgeted positions. The President is assisted in these matters by the Associate Senior Vice President for Human Resources and Strategic Talent Management and other appropriate staff.
 - V. The President is authorized to develop procedures to implement this policy, including but not limited to procedures pertaining to criminal background checks, trainee status for associate and support staff, administrative internships, instructional assistants, working hours, employee identification cards, the wearing of uniforms by designated personnel and medical examination requirements.

Board Approval: September 21, 1987; July 17, 1989 effective July 1, 1989; January 18, 2002; September 19, 2005; January 17, 2014 (Administrative correction); February 23, 2015.

Chapter: Personnel

Modification No. 005Subject: **Employment Practices**

NOTE: Conditions of employment regarding different categories of employees are located in various places in the policies and procedures. Requirements for specific positions are in the job description.

I. Purpose

A pre-employment or post-employment investigation of a candidate's or employee's background serves as an important part of the selection process. There are several purposes for background investigations: (1) to promote a safe environment for students and employees; (2) to protect organizational assets including people, property and information; and (3) to enable the College to make prudent hiring decisions based upon comprehensive job-related information.

II. Responsibilities

A. Verification of Credentials

To the extent possible, all diplomas, professional licenses, transcripts, and certifications required for employment into a specific position will be verified at the time of employment. In cases where there is a question as to the authenticity or equivalency of a license or degree, an outside credentialing service will be utilized. Applicants will be notified of this requirement at the time of interview and will be responsible for obtaining the appropriate verification. This verification will be required prior to the start of employment; however, in extenuating circumstances the Associate Senior Vice President for Human Resources and Strategic Talent Management may grant an extension and allow employment to commence prior to their receipt. Continuation of employment will be contingent upon final receipt of these documents within the time frame stipulated. These documents will be maintained in the employee's personnel file.

B. References for Employment Applicants

All applicants selected for regular employment by the College must provide at least three references to a hiring supervisor; these references should preferably include prior employers, but personal character references will be accepted as necessary. To the extent possible, verification of all the selected applicants' employment for the previous five years will be obtained. If a current Montgomery College employee is starting a new job within the College as a result of a transfer, promotion, or reassignment, reference checks will not be required, but further references may be obtained at the discretion of the hiring supervisor.

C. Background Investigations for Current and Prospective Employees

Criminal history background investigations will be obtained through an outside provider for all positions where required by state or federal law, and for various classes of positions deemed prudent by the College. The College retains the right and authority to conduct background investigations on any candidate or current employee, for any position, as deemed necessary. When background

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Modification No. 005Subject: **Employment Practices**

investigations are required as a condition of employment, applicants or current employees will be so notified in the advertisement for the position, and will be required to complete and sign consent documents if selected for the position. Providing this consent is a condition of employment. Reports received as part of the background investigation process will be maintained in a separate locked file. Decisions on hiring a candidate or retaining an employee, based on results of background investigations where there may be negative information, will be made by the Associate Senior Vice President for Human Resources and Strategic Talent Management or designee. The decision will be based on an assessment of the risks to College students and employees related to the information contained in the report and the position for which the candidate is being considered.

Montgomery College will be responsible for the payment of any fees in connection with background checks, and will reimburse the applicants upon receipt of the results. Continuation of employment will be contingent upon a satisfactory check.

In cases where a background check conducted by an outside provider uncovers information that may disqualify an applicant from employment consideration, the Associate Senior Vice President for Human Resources and Strategic Talent Management or designee, will notify the applicant of the information together with such other information that may be required by law.

D. Motor Vehicle Checks

Background checks for valid Motor Vehicle Operator's licenses will be required for applicants for all positions which require valid driver's license to operate College vehicles, or any vehicle in which students are transported. This verification will be obtained prior to the start of employment at the appropriate State Motor Vehicle Administration by the applicant, and will be submitted to and monitored by the Office of Risk Management. Applicants will be notified of this requirement in the advertisement for the position. Evidence of a safe driving record must be submitted to the office of Risk Management every twelve (12) months. Employees with more than three points on their licenses will not be permitted to operate a College vehicle or any vehicle transporting students, if the record so compels such a result as directed by the Office of Risk Management with the guidance of the Office of General Counsel. The cost for the Motor Vehicle Operator's License checks will be paid by the College operating unit where the employee is to be employed. Results of the background investigation will be maintained in the employee's personnel file, and in the employing department if required by federal or state law.

E. Inquiries Regarding Current and Former Employees

All inquiries made by outside parties such as potential employers and financial institutions with regard to the employment history of present or former employees

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will be directed to the Office of Human Resources and Strategic Talent Management (HRSTM) for response. HRSTM will only provide dates of employment, job title and verification of the employee's current salary. Additional information will not be provided unless the employee has provided a signed consent form authorizing the release of that information and the Office of the General Counsel has approved the release of such additional information. Written references will be released only through HRSTM and copies of such references will be kept in the employee's file.

F. Criminal History Record Information (CHRI) Files/Records Maintenance

1. CHRI files/records are filed in and locked in a file cabinet out of public view in the HRSTM department.
2. Only approved staff are allowed access to the files. Each approved individual will complete fingerprint supported background checks within 90 calendar days of hire or transfer to a position/role which requires the staff member to access CHRI files/records.
3. Only authorized agencies are allowed to view CHRI files. Identified agencies such as: MD State Department of Education (MDSE) – Office of Child Care (OCC), and the College's Early Learning Center managers.
4. All CHRI files are kept three (3) years after termination and then destroyed by shredding in-house or by a shredding company, pursuant to 68004- Records Management. The shredding of files is witnessed by staff member who is authorized to have access to CHRI files/records.
5. Once a month Criminal Justice Information Services – Central Repository (CJIS-CR) Customer Service will be notified via fax if and when a College employee transfers out, resigns from the College, or otherwise is separated from employment.
6. All personnel including technical employees who access CHRI files will complete Security Awareness Training every two (2) years or in the intervals required by CJIS. The list of employees approved to access CHRI files/records and their Security Awareness Training attendance records will be stored with the CHRI files/records and made available for future FYI and CJIS audits in accordance with CJIS Security Policy 5.1.

Administrative Approval: July 8, 1993; January 18, 2002; August 24, 2005; January 17, 2014; February 23, 2015.

Chapter: Personnel

Modification No. 006Subject: **Recruitment, Employment, and Advancement of Part-Time Faculty**

- I. Montgomery College is committed to recruiting and hiring a diverse and inclusive workforce that is representative of the community that we serve. Our human resources are critical to our success and our ability to engage with students and the community. The College is dedicated to a recruitment and hiring process that reflects our mission and values.
- II. The Board of Trustees, upon the recommendation of the President, approves funds for the employment of part-time faculty members during the fiscal year. This funding is requested through the planning and budget development processes. The staffing needs are identified based on processes that are aligned with the College's strategic and operational plans.
- III. In accordance with applicable laws and the College's commitment to access, equity, and diversity, the College does not discriminate against any student, employee, or applicant for employment on the basis of age, color, citizenship status, covered veteran status, disability, gender, gender identity and expression, genetic information, national origin, marital status, race, religion, sexual orientation, or for any other reason protected by federal, state, and county laws and regulations. The College also prohibits retaliation against employees and students who, in good faith, bring complaints regarding perceived discrimination.
- IV. To assure that all applicants for part-time faculty employment are treated equitably, candidates will be evaluated in accordance with the needs of the college and standards of teaching and non-teaching experience, academic preparation, and other relevant criteria established for the vacancy.
- V. The president, or designee, has overall responsibility for the recruitment, selection and appointment of all employees, subject to available funding and confirmation by the Board of Trustees. Montgomery College is committed to providing equal employment opportunity for all employees and applicants. Equal opportunity extends to all aspects of the employment relationship, including but not limited to recruiting, hiring, placement, promotions, training, working conditions, transfer, leaves of absences, compensation, and benefits.
- VI. The President is authorized to establish procedures to implement this policy.

Board Approval: September 21, 1987; June 17, 2002; June 29, 2005 (Administrative Correction Only); September 27, 2010; November 15, 2021.

Chapter: Personnel

Modification No. 006Subject: **Recruitment, Employment, and Advancement of Part-Time Faculty**

I. General

- A. Part-time faculty assignments are governed by the relevant collective bargaining agreements in effect at the time of hire and/or during employment. The type and quantity of assignments are limited by these agreements.
- B. Part-time faculty are essential to the operations of the college. However, student needs and programming needs vary from semester to semester and consequently staffing and programmatic needs will vary accordingly. The recruitment and hiring of a part-time faculty in one semester should not be construed as an indication of ongoing or future continued employment in any subsequent semester after the initial hire.
- C. The Senior Vice President for Academic Affairs (instructional part-time faculty) and the Senior Vice President for Student Affairs (counseling part-time faculty) must approve the appointment of any part-time faculty member, in any semester, who has not completed an appropriate master's degree.
- D. A part-time faculty member may be employed to deliver instruction or counseling through distance learning, remote classes, or in person on any campus or off-campus location during the day, evening, weekend, or combination thereof, depending on the needs of the College.

II. Recruitment

- A. The department chair, or designee, will work in collaboration with an HRSTM Recruiter to fill a part-time faculty vacancy. The HRSTM Recruiter acts as a resource by providing guidance and ensuring that the process is consistent with approved College policies and procedures. The recruiter is responsible for supporting the department chair, or designee, by facilitating the recruitment process through posting of job announcements, sourcing candidates, ensuring a broad and diverse pool of applicants, screening applications and forwarding qualified candidates to the hiring manager. The recruiter is the first point of contact for resolving any recruitment related issues
- B. The department chair, or designee, is responsible for completing and submitting the required documentation to HRSTM as outlined by the recruiter at the outset of the recruitment. The department chair, or designee, is also responsible for notifying the candidate of any training that will be required upon hire.

III. Initial Rank and Salary Placement

- A. The initial rank placement process is maintained by HRSTM and is updated from time to time based on operational need, best practice and budget among other factors. Information on the current process and the current rank placement paperwork can be found on the HRSTM website or by contacting a recruiter.

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- B. The part-time faculty salary schedules are adopted each year by the Board of Trustees. Initial salary placement for new part-time faculty is based on the following criteria:
 - 1. Teaching experience
 - 2. Non-teaching discipline related experience
 - 3. Academic preparation, including professional licensure/certification in related academic discipline, and special qualifications.
 - 4. A retired full-time faculty member of Montgomery College
 - C. Initial rank will determine rate of pay per equivalent semester hour (ESH). Current ESH rates can be found in the collective bargaining agreement with SEIU, Local 500.
- IV. Rank and Salary Advancement
- A. Part-time faculty may seek rank advancement consistent with policy 32203. Rank advancement will impact compensation in accordance with the applicable part-time faculty salary schedule.
 - B. To the extent applicable the SEIU CBA provides additional information regarding rank advancement.

Administrative Approval: September 21, 1987; June 19, 2000; August 12, 2003; June 29, 2005; February 25, 2011; November 16, 2021.

Chapter: Personnel

Modification No. 003Subject: **Employment of Individuals with Disabilities**

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- I. Montgomery College is committed to diversity and nondiscrimination and supports employment opportunities for qualified individuals with disabilities in accordance with the College's Affirmative Action Plan for Veterans and Individuals with Disabilities, Board policy on Equal Employment Opportunity and Non-Discrimination, and local, state, and federal laws, including the Americans with Disabilities Act as amended (ADA).
 - II. The College is committed to complying with the ADA, as well as applicable state and local disability discrimination laws. The College will not discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of a disability, perceived disability, or record of a disability. Likewise, this policy does not prohibit the College from holding applicants and employees with disabilities to the same standards of conduct and performance as other similarly situated employees without disabilities.
 - III. The College, in accordance with applicable law, will reasonably accommodate applicants and employees where the College is aware of a disability and the individual's need for a reasonable accommodation so long as the individual is a qualified individual with a disability and provided that the accommodation is not an undue hardship for the College.
 - IV. Education is a key element of this policy. The College will provide education and information, as appropriate, for employees to enhance understanding and increase awareness of the College's Employment of Individuals with Disabilities Policy. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing education programs to promote awareness. Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of proscribed conduct; (c) informing employees and contractors about the proper way to recognize and address complaints involving a violation of this policy; (d) preventing issues that this Policy addresses; and (e) identifying the necessary steps for preventing its recurrence and addressing its effects.
 - V. The President is authorized to establish procedures for processing requests for accommodations from qualified applicants and employees with disabilities in compliance with the applicable provisions of the ADA, as well as other procedures necessary to implement this policy.

Board Approval: September 24, 2001; February 25, 2013; November 13, 2017.

Chapter: Personnel

Modification No. 004Subject: **Employment of Individuals with Disabilities**

I. Purpose and Scope

- A. The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.
- B. The College shall comply with all federal, state, and local laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). The College shall not discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

VI. Responsibilities**A. Employees/Applicants**

- 1. A job applicant who has a disability and believes that a reasonable accommodation is necessary during the hiring process should contact the hiring manager for the position, the Director of ADA and Title IX Compliance, or the Chief Human Resources Officer, or designee, with a request for accommodation. An employee who has a disability and believes that a reasonable accommodation is necessary for the employee to perform the essential functions of that employee's position should contact the employee's immediate supervisor and the Chief Human Resources Officer, or designee, with a request for accommodation.
- 2. Employees may communicate a request for reasonable accommodation verbally or in writing, however, the College encourages employees to submit a written request on the appropriate form with supporting medical documentation.

B. Supervisors

Any supervisor who is made aware of an employee or job applicants need and/or desire for a reasonable accommodation shall promptly notify the Chief Human Resources Officer, or designee, of the accommodation request. Supervisors are also responsible for assisting the Chief Human Resources Officer, or designee, throughout the accommodation process, including in identifying potential reasonable accommodations, implementing accommodations, and modifying accommodations.

C. Office of Human Resources and Strategic Talent Management

The Office of Human Resources and Strategic Talent Management is responsible for coordinating and administering the College's Employment of Individuals with Disabilities Policy and Procedure and the Chief Human Resources Officer is the primary contact regarding this policy and procedure.

III. Definitions

Disability. A physical or mental impairment that substantially limits one or more major life activities of the individual, a record of such impairment or being regarded as having such an impairment.

Substantial Limitation. The determination of whether an impairment substantially limits a major life activity requires an individualized assessment, and an impairment that is episodic or in remission may also meet the definition of disability if it would substantially limit a major life activity when active. Some examples of these types of impairments may include epilepsy, hypertension, asthma, diabetes, major depressive disorder, bipolar disorder and schizophrenia. An impairment, such as cancer that is in remission but that may possibly return in a substantially limiting form, is also considered a disability.

Major Life Activity. This term includes walking, seeing, hearing, eating, sleeping, standing, lifting, bending, reading, concentrating, communicating, breathing, learning, performing manual tasks, caring for oneself, and working.

Qualified Individual With a Disability. An individual who can perform the essential functions of the position such individual holds or desires with or without reasonable accommodations.

Essential Functions. The fundamental job duties of the employment position the individual with a disability holds or desires. The term does not include marginal or incidental job functions.

Direct Threat. A significant risk to the health, safety, or well-being of individuals with disabilities or others that cannot be eliminated or reduced to an acceptable level by a reasonable accommodation.

Reasonable Accommodation. This term means any modification or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodation may include: acquiring or modifying equipment or devices; job restructuring; part-time or modified work schedules; reassignment to a vacant position; adjusting or modifying examinations, training materials or policies; providing readers and interpreters; and making the work place readily accessible to and usable by people with disabilities. Standards of conduct and performance are not lowered as an accommodation. The College makes the determination as to what constitutes a "reasonable accommodation."

Undue Hardship. It is not necessary to provide a reasonable accommodation if doing so would cause an undue hardship to the College. This term refers to an accommodation that would be unduly costly, extensive, substantial or disruptive, or would fundamentally alter the nature or operation of the College.

IV. Employment Guidelines for Applicants

- A. Applicants should notify HRSTM of the need for reasonable accommodations in the application and interview process. Applicants should provide such notice two weeks prior to the interview date.
- B. Applicants will be provided reasonable accommodations to participate in the application and interview process, as determined by the Chief Human Resources Officer.
- C. An applicant shall not be asked if the applicant is disabled, asked about the nature or severity of a disability, or be required to take a medical examination before the College makes a job offer.
- D. An applicant may be asked about the applicant's ability to perform essential job functions, as long as the questions are not phrased in terms of a disability. An applicant may also be asked to describe or demonstrate how the applicant would perform essential job functions as identified in the position description and the job vacancy announcement.
- E. After a job offer is made and prior to the commencement of employment duties, an applicant may be required by the Chief Human Resources Officer, or designee, to take a medical examination if all applicants for the job to whom a conditional offer of employment has been made are also required to obtain a medical examination pursuant to College Policy and Procedure 31105-Medical Examinations.
- F. Once an applicant has been hired, the employee will not be required to take a medical examination or asked questions about disability unless the Chief Human Resources Officer, or designee, concludes that a medical examination is being required based on objective evidence that the employee's ability to perform essential job functions is impaired or that an employee poses a direct threat to the employee or others. In all cases, the medical examination must be job-related and consistent with the business necessity as determined by the Chief Human Resources Officer, or designee.

V. Requests for an Accommodation by an Employee

- A. The College's obligation to provide reasonable accommodation applies only to known physical or mental limitations. The employee is responsible for requesting, either orally or in writing, a reasonable accommodation from the employee's supervisor or the Chief Human Resources Officer (or designee). An employee who requests a reasonable accommodation should provide appropriate documentation as required by law.
- B. At any time during the accommodation request process, the Chief Human Resources Officer (or designee) may ask the employee for medical documentation of the employee's disability and of the need for a reasonable accommodation requested. If the employee provides documentation that is insufficient to permit the College to make a determination as to the appropriate reasonable accommodation, the Chief Human Resources Officer may require the employee, at the College's expense, to have a medical examination performed by a health care provider of the College's choice in order to adequately document the employee's need for an accommodation and to identify potential

accommodations. Any medical examination required under these circumstances will be limited to determining the existence of a disability, the functional limitations that require accommodation, and identification of potential accommodations.

- C. The appropriate accommodation is identified through an interactive process involving the employee, the employee's supervisor, and the Chief Human Resources Officer (or designee). Following receipt of a request for reasonable accommodation, the employee's supervisor and the Chief Human Resources Officer (or designee), shall meet with the individual to acknowledge the request, explain the processing of the request, and discuss how the employee's disability impacts performance of the employee's job. In addition, the employee, the Chief Human Resources Officer, and supervisor should discuss the employee's accommodation request(s), other potential reasonable accommodations, and should assess the effectiveness of the accommodations discussed. Throughout the process, the Chief Human Resources Officer (or designee) may consult and request the resources of other College offices, including the Director of ADA and Title IX Compliance, the Facilities Office, and outside agencies (i.e. the Job Accommodation Network and the Department of Rehabilitative Services).
- D. Reasonable accommodation requests are considered and analyzed on a case-by-case basis. The College is not required to provide the "best possible" accommodation, the employee's requested or preferred accommodation, or to reallocate essential job functions. The College is entitled to provide the reasonable accommodation of its choice so long as the accommodation permits the employee to perform the essential functions of the employee's job in question.
- E. Where the disability, the need for accommodation, and the type of accommodation which should be provided is clear, and the accommodation would involve no, or insignificant, expense, the supervisor may agree to and implement the accommodation. Supervisors who agree to and implement an accommodation in such a manner must promptly notify the Chief Human Resources Officer, or designee, in writing of the supervisor's action with respect to the requested accommodation.
- F. If the supervisor has questions about or is reluctant to provide the requested accommodation, the supervisor shall refer the request to the Chief Human Resources Officer, or designee. A supervisor may not deny a requested accommodation without first consulting with the Chief Human Resources Officer, or designee.
- G. After discussing the request with the employee and the employee's supervisor through the interactive process set forth above, the Chief Human Resources Officer shall determine:
 - 1. If the employee is protected by the ADA, including, but not limited to whether the impairment substantially limits a major life activity. In determining whether an impairment is substantially limiting, the Chief Human Resources Officer, or designee, shall consider: (a) the nature and severity of the impairment; (b) the duration or expected duration of the impairment; and (c) the permanent or long-term impact or expected impact from the impairment.

2. If the employee is a qualified individual with a disability by determining if employee can, with or without a reasonable accommodation, perform the essential functions of the job in question. Whether a job function is essential is determined by considering the following illustrative list of factors: (a) the supervisor's judgment on which functions are essential; (b) written job descriptions prepared for the job; (c) the amount of time spent performing the function; (d) the consequences of not requiring the incumbent to perform the function; (e) work experiences of past incumbents in the job; and (f) current work experience of incumbents in similar jobs.
3. To determine if the employee would pose a direct threat to the employee's health and safety or to the health or safety of others, the College should consider the following non-exclusive factors: (a) the duration of the risk; (b) the nature and severity of the potential harm; (c) the likelihood that the potential harm would occur; and (d) the imminence of the potential harm.
4. Whether the requested accommodation would be effective to enable the employee to perform the essential functions of the job. The employee's preferred accommodation should be considered, but the ultimate decision as to what type of accommodation will be provided, if any, is the College's decision.
5. Whether the requested accommodation would result in an undue hardship for the College. Among the factors to be considered in determining whether an accommodation constitutes an undue hardship are: (a) the cost of the accommodation; (b) the overall nature of the operation of the department or units involved in providing the accommodation, such as financial resources, the number of people employed and the effect on expenses and resources; and (c) the impact of the accommodation on the operation of the departments or units, including its impact on other employees' ability to perform their duties and the department's ability to conduct business.

VI. Notification of Determination

- A. If the Chief Human Resources Officer determines that no accommodation will be provided, the Chief Human Resources Officer, or designee, shall inform the employee and the supervisor of the decision, in writing, within 15 working days of receipt of the employee's request for accommodation, and shall set forth the reasons for that determination.
- B. If the Chief Human Resources Officer, or designee, determines that a reasonable accommodation is appropriate, the Chief Human Resources Officer, or designee, will notify the employee, the supervisor, and the Chief Human Resources Officer in writing, within 15 working days of receiving the employee's request for accommodation. The notice shall include the nature of the accommodation to be provided and any follow-up actions to be taken. The employee will also be informed that acceptance of the accommodation is voluntary. The Chief Human Resources Officer, or designee, will also identify, in appropriate circumstances, the source of funds or other resources necessary to provide and/or implement the accommodation.

- C. The supervisor is responsible for implementing the accommodation and shall, in coordination with the Chief Human Resources Officer, or designee, monitor the accommodation's effectiveness.

VII. Confidentiality

All medical documentation and reasonable accommodation requests, including those made using the "MC Request for Reasonable Accommodation/Modification" form will be maintained in a file separate from an employee's or applicant's official personnel file. This separate file shall be kept in HRSTM and shall be treated as confidential, except as necessary to administer the reasonable accommodation process. Accordingly, such documentation and information should only be shared with individuals involved in the reasonable accommodation process.

VIII. Non-disclosure of Genetic Information

- A. The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by law.
- B. To comply with this law, employees should not provide any genetic information when responding to a request for medical information made in connection with a request for an accommodation, including any leave of absence.
- C. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

IX. Appeal

If an employee does not agree with the determination and/or the accommodation proposed by the Chief Human Resources Officer, or designee, the employee may file a complaint in accordance with the College policy and procedures regarding "Equal Employment Opportunity and Non-Discrimination."

Administrative Approval: September 24, 2001; August 17, 2010; September 3, 2010; November 21, 2017.

Chapter: Personnel

Modification No. 002

Subject: Inclusive Excellence Faculty Internship Program

- I. As part of the College's commitment to maintaining highly effective and qualified faculty to meet the mission of Montgomery College, a teaching internship program for graduate students is established at Montgomery College. The purposes of the program are: (1) to provide an additional mechanism for recruiting faculty members, and (2) to provide an opportunity for graduate students to participate in a one- year program of professional development at the College. The professional development of interns will occur throughout the academic year and is intended to support the acquisition of pedagogic skills while concurrently fostering the professional expectations of community college faculty.
- II. Each year the College will identify those disciplines in which more than 35 percent of the credit hours are taught by part-time faculty members. Eligible candidates for the program are students who have completed a master's degree and are enrolled in a graduate or doctoral program in the discipline(s). Normally, candidates for the program will be nearing completion of their graduate or doctoral degree.
- III. The President is authorized to establish procedures to provide for the recruitment, employment, and supervision of the interns.

Board Approval: September 21, 1987; December 12, 2022

Chapter: Personnel

Modification No. 002

Subject: Inclusive Excellence Faculty Internship Program

- I. Recruitment: The position is open to all. Candidates for the internship program will be recruited from regional colleges and universities using the College's regular recruitment process.
- II. Interviewing and Selection: Applications for the program will be reviewed and processed in the same manner as applications for full-time faculty position vacancies.
- III. In consultation with discipline faculty, the supervising dean to which the intern is assigned will designate a faculty mentor who will serve as a role model and expert teacher.
- IV. In addition to teaching two courses (up to eight ESH) per academic year, the intern will undertake additional professional assignments, such as: directed readings on community college education; equity and inclusion in higher education; service on a faculty or campus committee or task force; visit the classes of full-time faculty; or other appropriate professional assignments.
- V. Each intern will be under the broad supervision of the dean in the area in which the intern will be teaching. At the beginning of the intern's appointment, the dean, in consultation with the faculty mentor and the intern, will develop a plan of activities for the intern, to include measurable objectives for the year. Evaluations of the intern at the end of the first semester and during the second semester will be based on how well the intern has met the objectives set forth in the plan. The evaluation process will include student and peer evaluation, as well as administrative evaluation.
- VI. Salaries for internships will be established on an annual basis as part of the budget process.
- VII. Interns are not eligible for College benefit programs.

Administrative Approval: September 21, 1987; December 12, 2022

Chapter: Personnel

Modification No. 002

Subject: **Academic Rank**

- I. The following academic rank titles are authorized for full-time College faculty: Instructor; assistant professor; associate professor; and professor.
- II. The following academic rank titles are authorized for part-time College faculty: Lecturer, Adjunct I, and Adjunct II.
- III. The assignment of academic rank titles is not associated in any manner with full-time faculty salary placement, advancement on the salary schedule, the award or renewal of contract, hiring preference, or any other conditions of employment.

Board Approval: September 21, 1987; June 19, 2000

Chapter: Personnel

Modification No. 005

Subject: **Academic Rank**

I. Original Rank Assignment for Full-Time Faculty

- A. The rank assigned a new full-time member of the faculty depends upon the individual's degree status and his/her teaching and related professional rank.
- B. Rank assignment will be based on a point system:
 - 1. One point is granted for each year of full-time teaching in a college or university.
 - 2. One-half of a point is allowed for each year of full-time teaching in a secondary school.
 - 3. One-half of a point is included for each year of professional or industrial experience that is related to the faculty member's work at the College.
 - 4. Four points are given for an earned doctor's degree; three for a master's degree with 30 semester hours of additional coursework, if the faculty member does not have the doctorate; and two for a master's degree with fewer than 30 semester hours of additional coursework.
 - 5. For purposes of determining initial rank only, no more than one point may be added based upon exceptional achievement in teaching or related professional activities. A written justification of the fractions or point assigned shall be prepared by the department chairperson/designated supervisor and shall accompany the recommendation.
 - 6. A point sum that is less than 6 permits the assignment of instructor rank; a minimum point sum of 6 permits the assignment of an assistant professorship; a minimum point sum of 12 permits the assignment of an associate professorship; a minimum point sum of 18 permits the rank of full professor.

C. Procedures

- 1. The department chairperson/designated supervisor makes the initial recommendation for the original assignment of rank through normal administrative channels to the campus Vice President and Provost; the campus Vice President and Provost shall forward the recommendation to the appropriate campus faculty group, which gives its evaluation to the Vice President and Provost for action.
- 2. The faculty member may initiate a request for review of the original rank assignment through the department chairperson/designated supervisor to the next appropriate supervisor.
- 3. The department chairperson/designated supervisor concerned may be

invited to take part in the campus committee's evaluation of the faculty member.

4. Every effort should be made to assign rank prior to employment of members of the faculty. If possible, the prospective faculty member is informed by the campus Vice President and Provost of the proposed rank assignment at the time a letter of appointment is transmitted.

II. Full-Time Faculty Assignment to Advanced Rank

- A. Before being considered for advancement in rank, a full-time faculty member must hold an assigned rank for a minimum of two years. After receiving an initial full-time faculty rank, a faculty member may be considered only for advancement to the next higher rank. Rank advancement is based upon the criteria indicated above. No points may be awarded any given year for advancement in rank if the faculty member receives an unsatisfactory performance rating. Points beyond those awarded for initial rank may be granted as follows:
 1. One point for each year in which the faculty member receives a satisfactory performance rating.
 2. Four points for an earned doctor's degree less any points previously awarded for a master's degree.
 3. Three points for a master's degree with 30 hours or more of required academic study (if the member of the faculty does not have the doctorate) less any points originally awarded for a master's degree.
 4. Two points for a master's degree with fewer than 30 hours of required academic study providing that points were not originally awarded for this achievement.
- B. Evaluations are processed through the campus Vice President and Provost for certification regarding points to be assigned.

III. Original Rank Assignment of Part-Time Faculty

New part-time faculty are automatically assigned the rank of Lecturer, unless a recommendation is made for advanced placement for meeting the criteria stipulated for that of Adjunct I or Adjunct II. The recommendation for initial placement as Adjunct I or II shall be made by the appropriate faculty and administrators and approved by the Vice President and Provost as designated by Senior Vice President for Academic and Student Services.

IV. Part-Time Faculty Assignment to Advanced Rank

A. Procedures

1. Upon completion of a minimum of six semesters (may be non-consecutive) and 18 credits and having participated in certain professional development activities, a part-time faculty member is eligible for assignment to the next rank. Each advancement in rank requires an additional minimum six semesters (may be non-consecutive) and an

additional 18 credits and appropriate professional development activities. However, assignment is not automatic, but depends upon an administrative review to assure that minimum requirements have been met, and that the part-time faculty member's evaluations have been satisfactory. The recommendation is initiated by the department chairperson/designated supervisor and is forwarded to the campus Vice President and Provost for action.

2. For purposes of employment, all part-time faculty at Montgomery College have one official record. When evaluation of service is required, the campus at which the individual's service has been greatest will be responsible for initiating such evaluations. See the Board policy on part-time faculty published elsewhere in the manual for guidance regarding evaluation and other aspects of part-time faculty employment.

B. Notification and Appeals

1. The campus Vice President and Provost or designee notifies the faculty member of the assignment of original rank and advancement in rank.
2. The faculty member should be made fully aware of the results of the administrative review at each step. If the recommendation of the campus Vice President and Provost is adverse to the faculty member, he/she will have the opportunity to appeal the recommendation to the Senior Vice President for Academic and Student Services.

Administrative Approval: September 21, 1987; June 19, 2000; June 29, 2005; June 5, 2008; August 24, 2010.

Chapter: Personnel

Modification No. 001

Subject: **Distinguished Visiting Professor**

The Board of Trustees authorizes the academic rank title of "Distinguished Visiting Professor." The establishment of such a professorship classification is designed to attract to the College some very distinguished scientists, humanists, performing artists, and others by offering them a temporary short-term appointment with the College.

Board Approval: September 21, 1987.

Chapter: Personnel

Modification No. 002

Subject: **Distinguished Visiting Professor**

- I. No later than the beginning of the second semester of each academic year, each provost shall convene a committee consisting of the provost, an academic administrator, and the department chairpersons, or other faculty member. The purpose of the meeting shall be to determine, in priority order, the most advantageous use of a distinguished visiting professor for the campus for the following year.
- II. Following the development of the above priority listing, advertisements will be placed and announcements will be made seeking nominations for the distinguished visiting professor. A positive effort will be made to attract qualified minority, female, and handicapped persons, as well as others who may be qualified. The provost shall compile an appropriate roster of names for consideration for the first priority need from those nominated and those who apply. The criteria to be considered in the development of the list include:
 - A. Demonstrably distinguished in the field of specialization identified.
 - B. Capable of contributing to the overall development of the campus through classroom activities, seminars, workshops, forums, public lectures, consultation (within the campus), etc.
 - C. Available for full-time service to the College during the term of appointment.
- III. The provost, with whatever consultation he/she deems necessary and appropriate, shall then select, from the list prepared, three individuals in priority order who in his/her judgment are most qualified for appointment to the rank of distinguished visiting professor. These names will then be forwarded for consideration to the President.
- IV. If approval is granted, the provost may then extend the invitation to the individual with the highest priority to accept the post. If the first priority cannot accept, then the provost may extend the invitation to the second priority person on the list, etc.
- V. Because it is anticipated that invitations to the post of distinguished visiting professor will be extended only to persons of distinction, and because the post shall carry the rank of distinguished visiting professor which shall be considered as equal to the rank of professor, the salary offered must be appropriate. Therefore, the normal procedures for initial salary placement may not be applicable. The entire range of the faculty salary schedule shall be available for placement of a distinguished visiting professor. Placement shall consider such facts as reputation (national, regional, statewide, etc.), past teaching experience and its reputation for excellence, quality experience in other than teaching posts, publications, research, etc. The recommendation regarding the salary to be offered shall accompany the provost's priority list of names submitted to the President. This recommendation shall indicate the rationale for the salary suggested.

- VI. Each distinguished visiting professor shall be assigned to the department or other office of the campus where the need has been identified and approved. The assignment shall be for 20 ESH each semester of the appointment. This assignment need not, however, be a full 20 ESH of classroom teaching; rather, it may include special project assignment such as curriculum development, the conduct of in-service professional development activities for College and/or campus personnel, the preparation and conduct of workshops, seminars, forums, lectures, etc. at the College for the community and/or students and/or College or campus personnel. This assignment of special projects, etc. should not exceed 50 to 60 percent of the load assignment; thus, at least 40 to 50 percent of the assignment would be in the classroom.

Administrative Approval: September 21, 1987; September 27, 1990.

Chapter: Personnel

Modification No. 001

Subject: **Minimum Educational Requirements for Faculty**

The minimum educational requirement for all full- and part-time instructional faculty in the credit programs and all noninstructional faculty at Montgomery Community College is a master's degree or appropriate equivalent. The appropriate equivalent of a master's degree will be the presentation of demonstrable evidence of competency for achievements in performance and/or instruction, as authorized in procedures approved by the President.

Board Approval: September 21, 1987.

Chapter: Personnel

Modification No. 004

Subject: **Minimum Educational Requirements for Faculty**

- I. All advertisements for recruitment of applicants will contain a statement that a master's degree or demonstrated evidence of equivalent competency is required along with other specific requirements unique to each position.
- II. All applications received by the deadline date will be evaluated. Applications received after the deadline date will not be considered, with appropriate notification being sent to each individual.
- III. In the evaluation of applicants' credentials the primary criterion for hiring shall be the ability of the applicant as judged through such criteria as teaching interest and ability, commitment to the community college philosophy, related work experience, performance and/or academic achievements that meet the minimum position requirements.
- IV. In those cases where qualified applicants with a master's degree or equivalent demonstrable evidence of competency are not available, or in occupational fields where practical work experience is critical to teaching success, the Dean will make appointments in consultation with selected faculty in the curriculum. The following criteria may be used as acceptable evidence of qualifications:
 - A. Have been awarded a professional degree beyond the bachelor's degree and with qualifications in specialized areas (e.g., law).
 - B. Have been awarded a bachelor's degree and hold a current professional certification granted by a nationally recognized association (e.g., C.P.A. for accounting).
 - C. Have been awarded a bachelor's degree and have at least 3 years current work experience in the field or directly related to the specific course(s) to be taught.
 - D. Have other substantial qualifications which are consistent with the potential assignment and which will contribute to the goals, objectives and mission of the College.
 - E. Have demonstrated competency through written and/or performance examination.
- V. Applicants who are hired without a master's degree may be required to earn a master's degree as a condition of continued employment. This condition must be stated in writing at the time of original employment.
- VI. Faculty employed in an academic discipline or professional area who desire to teach in another discipline/area must meet the initial employment guidelines for the other discipline/area unless special exceptions are approved by the Dean after consultation with the department. The qualifying alternative criteria will be noted and discussed with the applicant at the time of initial assignment. A faculty member who teaches in the area more than two semesters may be required to complete additional training as determined by the Dean. In cases where the Dean and representative faculty determine that further

training/credentialing is appropriate, a professional development plan and time line for completion will be agreed upon by all parties. The following criteria may be used to approve appointments with special exceptions:

- A. Have at least 9 graduate hours in the other discipline/area.
 - B. Have at least 3 years of recent experience in the discipline.
 - C. Have demonstrated competency through written and/or performance examination.
 - D. Have special certification/licensing in or related to the field.
- VII. The President delegates to the provost the authority and responsibility to implement and administer this policy and procedures and to prepare an annual report for the President concerning all faculty hired during the preceding year.

Administrative Approval: September 21, 1987; September 27, 1990; May 13, 1996; June 25, 1996.

Chapter: Personnel

Modification No. 007Subject: **Faculty Workload****I. Work Schedules**

- A. Instructional Faculty may be assigned teaching or other professional duties on any day that the College is open during the academic year. The assignment of specific days and day/evening hours of duty during the academic year may vary from semester to semester.
- B. All instructional faculty who consent to a work load in excess of 32 equivalent semester hours per academic year or 18 equivalent semester hours per academic semester shall complete the Faculty Overload Form (ER-CA-3) indicating that they have given their consent to such an assignment.
- C. An individual schedule of work days is prepared for each academic term by the supervising administrator for all counselors. In addition, the supervising administrator shall assign or approve each such faculty member to work 40 hours per calendar week. Work hours may be assigned in the day and/or evening hours that the College is open.

II. Responsibilities

Faculty members are expected to perform a number of professional responsibilities as part of their total professional assignment. Neither reduction in work load credit nor additional compensation is associated with these professional responsibilities. Listed below, for instructional faculty and counselors are examples of the professional duties associated with the total assignment.

A. Full-Time Instructional Faculty Members

- 1. The primary professional responsibilities of full-time instructional faculty members are set forth in the Collective Bargaining Agreement between the College Board of Trustees and the College Chapter of the AAUP (Article V). The Agreement also addresses the expectation that instructional faculty are responsible for performing professional duties in addition to their primary teaching duties. The purpose of this section of the procedures is to provide guidance with respect to the "other professional duties" noted in the Collective Bargaining Agreement.
- 2. Two additional factors are of particular relevance. First, the College has established Faculty Evaluation Procedures (P/P 36001CP, III.) that include standards of performance for all faculty members, and these standards provide the basis for a system of accountability applicable to all faculty. In addition to reference to special objectives from a preceding evaluation cycle, the standards focus on three broad areas: performance in teaching (or primary assignment), including currency in teaching assignment; professional growth in teaching (or primary assignment) and pedagogy/service techniques; and professional service to the campus and/or College and/or community.

3. Secondly, it is important to recognize that faculty professional responsibilities are, by definition, broad in scope and difficult to “itemize” at any point in time; they are “professional” in the full sense of the word. Since the total assignment is affected by many factors, it is also subject to change in any semester or academic year. Certainly, the number of different course preparations being taught; the introduction of a new or substantially altered course; the application of new pedagogic techniques; the need for greater focus on professional growth or service; the scope of student advising; responsiveness and accountability to students; the necessity for course/program development or marketing; service on an important committee; work on a proposed new curriculum; and many other factors affect the expectations that a dean and other evaluators may have of what constitutes a total assignment for instructional faculty in any semester or academic year.
4. Deans and other evaluators should discuss the total professional assignment with faculty members at the start of an evaluation cycle, or in separate meetings as the need arises. Deans also have an obligation to take all facets of faculty responsibilities into account in setting objectives and assessing performance, including the factors noted above. They have a further obligation to assure that all teaching faculty participate in the full responsibilities expected of such faculty. To do otherwise is simply not fair to the institution or to students, nor equitable to faculty members who do so.
5. Similarly, instructional faculty have a continuing obligation to recognize that their professional responsibilities go beyond preparing and teaching a specific group of classes. Teaching and closely related activities are the primary responsibilities of instructional faculty, as noted in the Collective Bargaining Agreement and the evaluation procedures. However, the development of new curricula, programs, and courses; implementation of new pedagogic delivery techniques; service on department, campus, or College committees; participation in student, course, and program outreach activities in the College and the community; the development and implementation of strategies for student success; and professional development are just a few examples of professional responsibilities expected of teaching faculty, and all are vital to student and institutional success.
6. As the College continues to grow and change to meet new challenges, these professional responsibilities will change as well. The leadership role of teaching faculty in the instructional program, however, will not change, and faculty leadership will continue to entail participation in a full array of professional responsibilities in the interest of our students, the College, and the community.

B. Part-Time Instructional Faculty Members

1. Conduct assigned classes in the area of employment in accordance with the catalog description, the course syllabi, and the stipulations of the

College.

2. Be readily accessible to students for academic consultation through one-on-one or group meetings, telephone, and/or email.
3. Participate, when possible, in departmental, unit, and campus meetings of a professional nature.
4. Hold every scheduled class, including the final examination, the full scheduled number of minutes during the scheduled time in the scheduled location.
5. Maintain standards of teaching consistent with the standards of the department and the College.
6. Seek out means of improving instruction through professional societies, meetings and workshops, and the current literature of the field, means of improving instruction.
7. Adjust, insofar as possible, teaching methods to student needs.
8. Submit the following campus records office, in accordance with established deadlines:
 - a. Mid-term grade reports;
 - b. Final grade reports;
 - c. Any other required grade or registration report.
9. Submit to the appropriate administrator:
 - a. A copy of the final examination.
 - b. A copy of the syllabus, or other materials such as reading lists or assignment sheets.
10. Read and respond promptly to College email. Pick up mail from assigned mailbox before each scheduled class day.

C. Counseling Faculty

1. Faculty counselors provide developmentally appropriate educational, career, social, and personal counseling to a diverse student population. They provide academic advising, educational planning, transfer advising, and career assessment and planning. They also teach student development courses, provide crisis intervention, and collaborate with the College community to promote the holistic development of the students served at Montgomery College. Counselors serve day or evening under the direct supervision of the campus dean of student development and perform the following duties:

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- a. Counsel and advise students seeking information in education, career, and transfer planning; co-curricular activities; personal issues; and crisis intervention, making referrals as necessary
 - b. Teach assigned courses in the area of student development, individually and/or within "learning communities," adhering to all responsibilities as specified for full-time faculty
 - c. Counsel and advise prospective students for the purpose of admission and academic planning
 - d. Counsel and advise students on issues regarding transition and adjustment to college
 - e. Provide educational, advising, career, transfer and retention programs as well as intervention strategies to assist students with attainment of personal and academic goals
 - f. Provide service to the College and community through active membership and leadership in unit, campus, collegewide committees, student committees, and community organizations
 - g. Collaborate and consult with the College faculty and staff as appropriate to promote the welfare of students
 - h. Use technology as an advising and academic tool
 - i. Serve as student advocates within the college community
 - j. Maintain professional competency/certification through active membership and leadership in professional associations, attendance and/or presentations at professional development workshops/seminars, and attendance at other professional meetings
 - k. Perform other appropriate counseling/teaching responsibilities as assigned by the Dean of Student Development
 2. DSS Counseling Faculty- DSS Faculty Counselors are responsible for providing the above-mentioned duties to students with disabilities in addition to the following:
 - a. Evaluate diagnostic documentation and intake information to determine eligibility for services
 - b. Determine and authorize appropriate services/accommodations within the context of Section 504 of the Rehabilitation Act and ADA
 - c. Conduct initial intake interviews and maintain files to include case notes of on-going contacts

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- d. Maintain liaison with the Montgomery County Public Schools, the Department of Rehabilitation Services, and other external agencies and medical/therapeutic providers to share information and referrals for students with disabilities
 - e. Develop and present in-service training and activities for faculty/staff about disability related issues and in what circumstances, and in what situations, an individual with a disability would require special services.
3. Faculty counselors teach student development courses as assigned and perform the following teaching-related duties:
- a. Conduct assigned classes in the area of employment in accordance with the catalog description and the stipulations of the College.
 - b. Hold every scheduled class, including the final examination -- except for emergency situations -- for the full scheduled number of minutes in the room assigned by the appropriate administrator.
 - c. Prepare course syllabi and select textbooks.
 - d. Teach evening classes as part of regular load when assigned.
 - e. Maintain standards of teaching worthy of accreditation.
 - f. Seek out through professional societies, meetings, and workshops and the current literature of the field the means of improving instruction.
 - g. Adjust, insofar as possible, teaching methods to student needs.
 - h. Act as adviser to students in areas assigned by the campus dean of student development:
 - (1) On programs of study and curriculum.
 - (2) On other problems that affect success in college.
 - (3) On course problems.
 - i. Submit to the campus records office, in accordance with established deadlines:
 - (1) Midterm grades on electronic forms.
 - (2) Final grade reports at end of semester on electronic forms.
 - j. Submit to the campus dean of student development:

- (1) A copy of the final examination.
 - (2) A copy of the form "Summary of Course Content," syllabus, or other materials such as reading lists or assignment sheets.
- k. Provide opportunity for student consultation on days approved by the dean of student development.
 - l. Attend all scheduled and special College, campus and faculty meetings; appropriate professional development activities; and meetings of other groups to which assigned (e.g. department, unit, committees).
 - m. Serve on campus and College committees. Each individual is expected to accept responsibility for attendance at regular and special meetings and for carrying on a share of the work. All members of a committee are expected to attend each meeting.
 - n. Act as faculty sponsor or chaperone for student activities, intramural athletic activities, and intercollegiate athletic teams.
 - o. Keep abreast of College policies, procedures, and activities.
 - p. Represent the College in various activities and services such as the College Speakers Bureau.
 - q. Provide, as a professional person, the best possible learning environment to the students of the College, spending, in addition to instructional time, a major part of his/her time available to students and colleagues for advising, consulting and participating in various student and College activities.

III. Alternate Time Assignments

A. General

"Alternate time" is the term used to describe the work load credit assigned by the College to instructional faculty members to perform tasks in lieu of teaching responsibilities. These assignments are in addition to, and do not replace the non-teaching responsibilities which are part of the total professional responsibilities of teaching faculty. For purposes of assigning work load credit for these assignments, one equivalent semester hour is equal to 50 clock hours of such assigned activities, except that faculty assigned to a mathematics center, writing center, or speech and diction center shall receive one equivalent semester hour for each 30 clock hours of such assigned duties.

All alternate time assignments are made at the discretion of the campus VP/Provost and must be approved by the campus VP/Provost.

B. Performing Arts Alternate Time Activities

1. Faculty members may be assigned up to 3 equivalent semester hours alternate time per semester for performing responsibilities associated with the production of performing arts activities. Examples of such responsibilities are: director, choreographer, conductor, scenic designer, lighting designer, and production manager.
2. No individual faculty member may receive more than 6 equivalent semester hours alternate time per semester for performing arts alternate time activities.

C. Other Alternate Time Assignments

Within budgeted allocations, the campus provost may make other alternate time assignments, at the rate of one equivalent semester hour work load credit for each 50 clock hours of assigned activities except that one equivalent semester hour shall be equal to 40 clock hours of such assigned activities when defined and budgeted by Management as Advising Cadre, Instructional Improvement, Curriculum Development, Program Development, Scholarly Effort, or Special Projects equivalent semester hours.

D. Athletics Coaching

1. Faculty members may be assigned up to 6 equivalent semester hours (ESH) alternate time per semester for performing responsibilities associated with athletics coaching.
2. A faculty member may be assigned up to 6 equivalent semester hours (ESH) alternate time per semester for performing responsibilities associated with the role of campus director of athletics.

IV. Class Coverage

A. General

Every scheduled class will be met, and taught, whenever possible, even at some inconvenience, inadequate preparation notwithstanding. Classes will be canceled only as a last resort and upon approval of the instructional dean.

B. Methods of Class Coverage

Depending on circumstances such as the amount of previous notice, the familiarity of the subject matter to the substitute, and the nature of the subject matter under assignment, there are various levels of "coverage" in order of preference:

1. The class is met and taught, or the examination given, so that the syllabus is carried forward in spite of the absence. This should be especially possible in multi-section courses where different instructors and sections can be assumed to be fairly well together in a generally common syllabus.

2. The class is met and continued throughout the period by discussion, review, in-class written assignment or similar instructional technique.
3. The class is met, roll taken, and dismissed for further research or written work already assigned in the library or elsewhere.
4. The class is met, roll taken, and dismissed.
5. The class is canceled.

C. Responsibilities

1. The professional responsibility of the instructor requires that he/she consider substitute responsibilities as important as his/her own responsibility to meet with and instruct the class.
2. Whenever a full-time or part-time instructor expects to be absent from class (for any reason) for a day, miss a class, or be late for a class, it is the instructor's responsibility to notify the instructional dean and the appropriate administrator.
3. As a rule, it should not be expected that instructors should maintain a colleague's classes for more than a day or two; a week should be the limit before a paid substitute is employed. The appropriate department chairperson/instructional dean is responsible for ensuring that such class coverage is provided.
4. The instructor may recommend a paid substitute instructor, when such a substitute is required.

D. Hiring and Payment of Substitute Instructors

1. Hiring and payment of a substitute instructor shall be approved by the instructional dean.
2. Full-time faculty members shall not be hired as paid substitute instructors.
3. The rate of pay for part-time faculty serving as substitute instructors shall be the prorated share of the course session based on the substitute's academic rank and the course's equivalent semester hours.

Administrative Approval: September 21, 1987; September 7, 1990; August 23, 1999; May 14, 2003; June 23, 2008; May 5, 2009; September 2, 2010.

Chapter: Personnel

Modification No. 001

Subject: **Nomination, Recruitment, and Appointment of Department Chairs**

I. General

- A. A department chair is appointed for an initial term of four (4) years.
- B. A department chair may be re-appointed for a second term (of four years), with the support of the department, dean and vice president and provost (VPP), or senior vice president for student affairs (SVPSA), where appropriate.
- C. A sitting department chair is eligible to be nominated for a third term (of four years) through an open nomination process.
- D. A third four-year term will be possible only with the support of the department and the approval of the dean and VPP or SVPSA, where appropriate.
- E. A department chair will not serve more than 12 consecutive years.
- F. A department chair will be 12-month employees with management and leadership responsibilities and must be willing to serve year-round for the position.
- G. An academic department chair will report to the Collegewide dean charged with supervision of the corresponding academic programs and/or disciplines. A student affairs department chair will report to the campus dean of student affairs. A Collegewide program chair may report to the Associate Senior Vice President for Academic Affairs (ASVPAA).
- H. A department chair's work schedule will be 40 hours per week, including any teaching or counseling assignments and office hours.
 - 1. The schedule will be determined by the needs of the department, through agreement between the dean and the chair.
 - 2. In general, most chairs will teach two classes per year; however, chairs of smaller departments will teach three classes; and chairs of larger departments will teach one class per year.
 - 3. Teaching assignments above the minimum classes per year must be outside their normal working schedule (evening and weekends).
 - 4. Compensation for teaching assignments above their minimum is paid at the part-time faculty rate.
- I. Faculty members who accept appointment as a Department Chair will have their status as a member of the bargaining unit suspended for the duration of the term(s) served as a Department Chair. Upon conclusion of the term of appointment as Department Chair, the faculty member's suspension from the bargaining unit will end unless the individual is subject to dismissal for cause unrelated to performance.

II. Role of Department Chairs

Department chairs have a number of primary work responsibilities, including but not limited to:

A. Departmental Leadership

1. Serve as the authority on campus for department-level decisions.
2. Advise and guide departmental faculty, staff, and part-time faculty members in professional development and teaching performance.
3. Coordinate the department's operations, including meetings, planning, and budgeting processes.
4. Meet with students and faculty who have concerns about disciplinary or academic matters and mediate those concerns.
5. Represent the department on collegewide committees and industry/professional communities.

B. Department Administration

1. Supervise part-time faculty and department staff.
2. Manage student, peer, and chair performance reviews of full-time and part-time faculty members and confer with appropriate leadership in making recommendations for the faculty member's future objectives.
3. Conduct performance reviews and evaluate part-time faculty and department staff.
4. Prepare schedule of course offerings in collaboration with dean and Collegewide colleagues.
5. Collaborate with the department to recruit, train, and develop full-time and part-time faculty and department staff.
6. Manage the department's budget and other fiscal activities, including contracts and leave requests, as delegated.

C. Instruction and/or Counseling

1. Instructional chairs teach a minimum of one course per year; maximum of three courses per year, with no more than two courses per semester.
2. Counseling chairs teach a minimum of one course per year; maximum of three courses per year, with no more than two courses per semester and/or provide counseling and advising services as appropriate.
3. Collaborate with other department chairs on curricular improvements and course/program assessment.

4. Serve as discipline or program advisor to students.

III. Qualifications of a Department Chair

- A. A minimum of a Master's degree in one of the disciplines appropriate to the department supervised, or technical certifications required of a full-time faculty position.
- B. Three years of full-time teaching or counseling in a two- or four-year college or equivalent educational setting, in at least one of the designated department disciplines.
- C. Three years of demonstrated leadership experience, e.g. as a department chair, coordinator, program supervisor, governance leader, or equivalent experience at the college level, preferably at a community college.
- D. An individual who does not meet the minimum years of experience may be assigned a trainee status as chair with the consent of the VPP and ASVPAA or dean and SVPSA for counseling chairs.

IV. Recruitment Process

- A. A dean or designee conducts a call for nominations from the campus department full-time faculty pool.
- B. If a qualified candidate is not identified, a dean or designee conducts a call for nominations from the collegewide full-time faculty.
- C. If a qualified candidate is not identified from the full-time faculty, a call for nominations will be extended collegewide to include staff and part-time faculty.
- D. A standard search to recruit a qualified external candidate will be used if no internal candidate is identified.
- E. Nominees meet with the dean and present their vision, qualifications, and record of service to the College.
- F. Nominees will be provided an opportunity by a dean to make presentations to the department.
- G. Members of the department, including staff and part-time faculty, will have an opportunity to provide written comments about the nominees' qualifications to the dean.
- H. The dean and vice president and provost or SVPSA will confer on the nominees.
- I. The dean will appoint the department chair with the concurrence of the vice president and provost or SVPSA.

V. Nomination/Appointment Process

- A. The nomination process begins in the chair's home department(s) and any member of the College community may send forward a nomination to the dean.
 - B. In the initial round of nominations, only full-time faculty members may be nominated. If there are no nominations from the home department(s), nominations may be solicited from the collegewide full-time faculty.
 - C. The nomination process will be extended to qualified staff members and part-time faculty if the initial rounds of nominations do not produce a qualified or willing nominee.
 - D. The dean will appoint an interim chair and initiate an external search through the Office of Human Resources and Strategic Talent Management if no nominee is identified from the internal pool.
 - E. A nominee from another campus can be considered when a qualified nominee is not identified from the chair's home campus department.
- VI. Terms of Chair Appointments
- A. Chair is appointed for an initial term of four years.
 - B. If a chair should leave their appointment within a term, a new chair will begin a new four-year appointment.
 - C. An interim chair, who is later appointed through a nomination and selection process, will begin a new four-year appointment. The interim term period will not count as a formal term appointment.
- VII. Compensation and Benefits
- A. Compensation
 - 1. A department chair's remuneration will be on a 26-pay schedule.
 - 2. The minimum 12-month salary for a department chair will be Grade 35.
 - 3. A department chair pay will be calculated by taking their academic year salary as faculty, dividing by 20, and then multiplying that number by 26. If after the calculation their salary does not meet the minimum salary of a department chair, their salary will be brought to the minimum of the grade.
 - 4. Once the faculty member is restored to the bargaining unit, all compensation and benefits will be restored to the ten-month faculty salary and benefits and will include all salary adjustments and increases in rank that the member would have attained had the suspension not occurred during the time the faculty member served as a Department Chair.
 - B. Leave

A department chair observes the College's scheduled holidays and breaks and earns annual leave, sick leave and personal leave in the following manner:

1. Annual Leave

- a. Annual leave is based on years of service to the College and calculated as follows:
 - 1) Less than 3 years of service on July 1 – 120 hours will be applied.
 - 2) 3 years but less than 15 years of service on July 1 – 160 hours will be applied.
 - 3) 15 years or more of service on July 1 – 208 hours will be applied.
- b. Annual leave will be applied at the beginning of each fiscal year on July 1 and must be used by the following June 30.
- c. Annual leave is pro-rated when the department chair term start date is other than July 1.
- d. Unused annual leave does not carry over into the next fiscal year.
- e. Unused annual leave is not paid out to the department chair when they return to their faculty role, retire, resign or separate from the College.

2. Sick Leave

- a. The balance of sick leave from the chair's full-time faculty level is retained and the chair will begin accruing sick leave at the rate of 3.69 hours per pay period while in the department chair role.
- b. The balance of sick leave accrued is retained when the department chair returns to their full-time faculty role; and their full-time faculty sick leave hours will be applied at the beginning of the academic year.
- c. Upon separation from the College, a department chair will be paid from their accrued sick leave according to the AAUP Collective Bargaining Agreement.

3. Personal Leave

- a. The balance of personal leave from the chair's full-time faculty level is retained.
- b. Twenty-four (24) hours are applied at the beginning of the calendar year or when the department chair term begins.

- c. Personal leave expires at the end of the last pay period in the calendar year.
- d. Personal leave is not paid out when the chair returns to their faculty role, resigns, retires or separates from the College.

4. Professional Development Leave

- a. Extended professional development leave will normally be granted for a period of three months or one semester and will be at full pay. Exceptions to this framework will be considered on an individual basis.
- b. Department chairs become eligible to apply for and are considered for professional development leave after they have served continuously at Montgomery College for at least three years without paid professional leave.
- c. Requests must be submitted through normal administrative channels to the Chief Human Resources Officer (or designee) in accordance with instructions issued annually. Normally, applications are solicited in the late fall to early spring for leave to begin the following fiscal year. Intervening supervisors shall review the proposal within the context of the approved criteria and make a recommendation for approval or disapproval as well as a recommendation as to how the applicant's responsibilities will be performed in his/her absence.
- d. While on extended professional development leave, the chair shall for all purposes, including but not limited to benefits and applicability of the College conflict of interest policy, be viewed as a full-time employee, except that annual leave and sick leave may not be earned or used while on professional development leave.
- e. A department chair granted extended professional development leave shall enter into a written agreement whereby the chair agrees to return to service at Montgomery College for a period of four months for each month of approved leave.
- f. If the employee fails to return and remain for the period of time specified in the agreement, the employee shall refund to the College all monies paid to him/her on his/her behalf during the period of the leave.
- g. The written agreement shall also provide that the employee's engagement in professional activities (other than those specified in the approved program) for which payment is received shall not be allowed unless specifically approved by the Chief Human Resources Officer (or designee), who is responsible for administering the terms of the agreement.

- h. If the department chair is unable to complete the planned program for which the extended professional development leave was granted, it is the employee's responsibility to notify promptly the Chief Human Resources Officer (or designee) after which the employee shall either return to his/her department chair duties or be reassigned to an appropriate leave status. Salary allowances and benefits shall then be adjusted accordingly.
- i. A full written report describing activities during the leave and the results of the leave or proof of successful completion of the program shall be submitted to the dean or ASVPAA within 30 days of completion of the leave and shall be considered in the evaluation of the employee.

C. Benefits

A department chair's retirement benefit will be calculated based on the 12-month salary rather than the 10-month salary during their term as chair.

VIII. Orientation and Training

- A. All department chairs will attend required division, dean, discipline, and department meetings.
- B. All department chairs will attend any onboarding and/or training events for supervisors.
- C. All department chairs will complete annually required Collegewide training.
- D. All department chairs will attend required training as designated by unit, division, or department.

IX. Evaluation

- A. Department chairs will be evaluated annually through the same process as administrators.
- B. The department chair evaluation will include evaluative measures specific to department chair duties.
- C. Department chair evaluations may also include evaluative measures that relate to chair teaching duties.
- D. Department chair evaluations may include feedback from members of the department.

X. Reappointment Process

- A. Re-appointment or new selection process should be initiated by the mid-term of the spring semester prior to the end of the four-year term.
- B. The dean or ASVPAA will confer with the current chair about their interest in being re-appointed.

- C. The dean shares the interest of the chair to be re-appointed (or not) with the department faculty, staff, and appropriate unit head/administrator.
- D. If the chair is not eligible for reappointment, does not want to be re-appointed, or if the dean or ASVPAA (or appropriate unit head/administrator) does not wish to reappoint the chair, then the dean moves to the chair nomination process.
 - 1. If the chair is not re-appointed, notification will be provided by the fall semester prior to the end of the four-year term.
 - 2. The dean will notify the department and solicit nominations by end of January prior to the end of the four-year term.
 - 3. The dean or ASVPAA will follow the selection process that was followed in the initial chair selection.
- E. If the chair wants to be re-appointed, and the dean/ASVPAA concurs, the dean will ask for input from department faculty and staff via feedback form (which can be used to document that the process was followed consistently).
- F. The determination to re-appoint or not is based on the dean's or ASVPAA's review of chair evaluations and faculty and staff input.
- G. The dean or ASVPAA informs chair of decision to reappoint or engage the chair selection process.
- H. The dean or ASVPAA announces the decision on reappointment (or the decision of the selection process) to the department.

XI. Interim or Acting Chair Appointment

- A. In the event of a chair leaving their appointment as department chair within a term, due to either exiting the College, returning to their faculty role, taking an extended leave, or assuming a different role within the College, a dean may make an interim or acting chair appointment from qualified full-time faculty within the department.
- B. An interim or acting chair appointment should last no more than one calendar year.
- C. If an incumbent chair does not return to their appointment within that calendar year, a nomination and selection process for a new department chair should be completed.

Administrative Approval: June 10, 2020

Chapter: Personnel

Modification No. 002Subject: **Trainee Status for Support and Associate Staff Appointments**

I. Introduction

When it is considered by the Director of Personnel Services to be in the best interest of Montgomery College, a position may be filled by an applicant who does not possess all of the qualifications as described in the class specification. An individual so appointed will be identified as being in a trainee status. The trainee will hold a trainee status appointment until he or she has satisfactorily completed a prescribed training program and it has been determined by the appropriate official and the Director of Personnel Services that he or she meets the qualifications described in the class specification. The length and content of the training program shall be determined at the time of appointment. The training program and alterations to it must be approved by the Director of Personnel Services.

II. Trainee Appointments.

Trainee appointees have all the rights and privileges of associate and support staff personnel except that they shall not hold regular employee status while in trainee status.

III. Salary Assignment of Trainees and Length of Training Program

- A. The length of the training period and the pay rate to which a trainee is assigned will depend on the nature of the job and the degree of training and job experience that the applicant possesses at the time of employment. Trainees will be informed of the length of the training period.
- B. Since trainees are usually subject to individually determined special pay conditions, during progression in their training program they will not be eligible for merit increments based upon the anniversary date of their initial employment date but will be assigned a regular merit increment date effective upon satisfactory completion of their training and probationary service in the new position.

III. Regular Appointment.

Upon satisfactory completion of the training program, the incumbent will serve the normal probationary period and upon successful completion be granted regular employee status.

IV. Early Completion of Training Program.

In instances of exceptionally rapid growth in competence or attainment of required credentials, a trainee may become eligible for removal from trainee status prior to the completion of the specified training program.

Administrative Approval: September 21, 1987; September 27, 1990

Chapter: Personnel

Modification No. 002Subject: **Administrative Staff Internships**

I. Establishment of Administrative Staff Internships

From time to time the College may enter into an agreement whereby an intern, usually sponsored by an external organization, is assigned to work and learn at Montgomery College. The intern may or may not be a current employee of the College. The intern will be assigned to work under the supervision and guidance of one or more administrative staff (mentors or advisors) for any time period up to one year. The specifics of any intern arrangement will be detailed in a written agreement between the College and the intern and, where appropriate, the sponsoring external organization.

II. Procedures for Employment of an Administrative Staff Intern

- A. At the beginning of each intern's appointment, he or she will prepare a unit plan. An evaluation of the intern at the end of the internship will be based on how well the intern has executed the objectives contained in the unit plan. The evaluation will be prepared by the administrator who has primary responsibility for supervising the intern.
- B. In recognition of the fact that an internship is primarily a professional development opportunity intended to provide the intern with opportunities for growth and development outside his or her primary skill area, and that the College is investing a substantial effort on behalf of the intern, the salary of the intern will be based on the work the intern is expected to accomplish during the internship, and not on the earnings received prior to the internship or expected after the internship.
- C. College employees on internship will be subject to the College policies and procedures that apply to regularly appointed administrative staff. Benefits as afforded by the health, life insurance and retirement programs will remain unchanged. At the conclusion of the internship, the intern will return to his or her former employee status (as faculty, administrative, associate or support staff) with salary placement to be at the same level as would have prevailed had the former employee status been continuous.
- D. Interns from outside the College will receive no vacations, holiday pay or paid benefits. Compensation will be on a straight per diem basis. Interns who are not College employees shall be considered temporary administrative staff employees and shall be subject to the same policies and procedures as any other temporary administrative staff employee.
- E. Appointment to an internship in and of itself will give no intern, whether an employee of Montgomery College or not, any preferred consideration for future positions that may be available at Montgomery College.

Administrative Approval: September 21, 1987; September 27, 1990.

Chapter: Personnel

Modification No. 005Subject: **Working Hours for Staff Employees****I. Normal Working Hours**

A. The normal work day at the College consists of eight hours with thirty unpaid minutes allowed for lunch, for a work day encompassing eight hours and thirty minutes. The normal work week consists of five eight hour work days, unless a different workweek is established through a written alternative work schedule agreement. Unit administrators shall set the normal work day and normal work week for a unit and supervisors will set the schedule for each position in accordance with operational requirements. The Montgomery College work week for time reporting purposes begins at 12:00 a.m. on Saturday and ends at 11:59 p.m. on Friday.

B. Supervisors may grant rest periods of fifteen minutes during each half day period of a working day. The immediate supervisor will arrange the appropriate times for rest periods for employees. The total amount of time used by an employee for his or her lunch break and rest period(s) may not exceed one hour per day. Shifts in excess of 12 hours shall be provided an additional 15 minutes rest period, and an additional unpaid meal period may also be provided.

Additional reasonable break time for nursing mothers will be provided for one (1) year after the child's birth in order for the employee to express milk. The immediate supervisor will arrange a place (other than a restroom) that is shielded from view and free from intrusion from coworkers.

C. Associate and support staff employees are generally employed for a specific work day. The College may, however, need to change the work hours of employees in order to meet changing requirements of the unit or College. Whenever such changes are required, the College will make an effort to implement changes with minimum inconvenience to the affected employees by, where operationally practical, providing at least twenty (20) work days notice of change in work hours intended to continue beyond ten (10) consecutive work days.

D. Flextime: An individual employee may request an alteration of the normally scheduled workday or work week. If an employee works in excess of the number of normally scheduled hours on a particular day, the employee may, upon approval by the supervisor, reduce a workday in consideration of the time worked on an hour-by-hour basis within the same work week. Nothing in this section shall be construed to permit compensatory time (excess hours worked carried over as time off from one work week to another).

E. Full-time administrators are expected to work the number of hours required to perform their assigned duties as management personnel, but not less than forty (40) hours per work week.

II. Alternative Work Schedules

A. Purpose

This work alternative is intended to help the College meet its operational requirements; recruit and retain excellent employees; provide more flexible work arrangements for eligible employees; and assist in the community effort to reduce outdoor air pollution and traffic congestion attributable to automobile travel. Alternative work schedules are a privilege which may be granted in accordance with the parameters outlined below. Given the potential impact on customer service and operational needs, it is unlikely that a staff member approved for an alternative work schedule would also be approved for telework per 32500CP. Determinations will be made by the administrative unit head and appropriate vice president, senior vice president, or chief of staff.

B. General

1. All alternative work schedule requests as outlined in number 2 and 3 below must be on the appropriate form that shall include length of time for which the alternative work schedule may be granted up to 12 months, the type of schedule requested, and the specific hours and days of work. In determining whether to endorse such a request, the administrative unit head, the appropriate vice president, senior vice president, or chief of staff must consider whether:
 - a. Service delivery to internal and external customers will be maintained;
 - b. Operational requirements will be met;
 - c. Adequate coverage for offices or operations will be maintained during normal periods of public service;
 - d. Satisfactory performance of the employee is evidenced by the most recent performance evaluation;
 - e. There will be a positive impact on the environment;
 - f. Increased employee engagement will be supported through improved work/life balance.
 - g. There will be any budgetary impact of such a request.
2. Associate and support staff may request alternative work schedules as follows:
 - a. four ten-hour days (alternative work schedule A)
 - b. four nine-hour days and one four-hour day (alternative work schedule B)
3. Exempt staff may also request eight nine-hour days and one eight-hour day for a two-week pay period (alternative work schedule C).
4. Once the administrators have endorsed such a request, it will be forwarded to the Office of Human Resources, Development, and Engagement for review. In the event the proposed work schedule does not comply with the procedure above, the Office of Human Resources, Development, and Engagement shall return the agreement with guidance regarding this procedure. Subsequent changes in schedule may be initiated at any time and made in accordance with I, C and II, B of this procedure. The Agreement will be subject to review and renewal no less frequently than annually, twelve months from the date the

arrangement began or was last renewed. Whenever there is a change in supervision, the unit will review and determine whether to continue all alternate work schedules.

5. Administrators shall only be eligible to request alternative work schedules during the months of July and August, and such requests must be made per the guidance and process outlined above.

Administrative Approval: September 21, 1987; November 12, 1993; February 25, 2011; March 28, 2012; June 24, 2013.

Chapter: Personnel

Modification No. 001

Subject: **Wearing of Uniforms**

- I. College personnel may be required to wear uniforms. The cost of required uniforms for each designated College employee shall be borne by the College.
- II. The Director of Facilities and the Director of Procurement are responsible for implementing these procedures. Specific guidelines are in the office manuals of these offices.

Administrative Approval: September 21, 1987.

Chapter: Personnel

Modification No. 005Subject: **Flexible Work Arrangements**

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- I. Flexible work arrangements are intended to help the College meet the changing needs of our students and our workforce; recruit and retain excellent employees; provide more flexible work arrangements for eligible employees; and provide a way to conserve office space.
 - II. It is the policy of the Board of Trustees to offer flexible work arrangements as an effective way to meet the needs of the College, its students, its employees, and the community. The Board of Trustees expects that the implementation of flexible work arrangements will enhance the availability and quality of College services, as well as employee productivity.
 - III. Flexible work arrangements include telework, remote work, and alternative work schedules. Flexible work arrangements are not universally available in all occupational job classes and/or positions. Flexible work arrangements may be a condition of employment in certain job classes and positions. Flexible work arrangements must be authorized in advance.
 - IV. Unless conditioned on employment or implemented to protect health and safety, flexible work arrangements are a privilege. Flexible work arrangements may be abbreviated or terminated in totality should office coverage become a problem due to any changes in work demands, office staffing, or due to other operational needs. Advanced notice will be given to participating employees stating the rationale for abbreviation or termination. An employee may discontinue participation in flexible work arrangements at any time with notice to a supervisor, except for those where flexible work arrangements are required of the position. Flexible work arrangements are not to permit employees to work at other jobs or to run their own businesses. Failure to fulfill normal work requirements due to other employment may be cause for disciplinary action up to and including discharge.
 - V. The employee's compensation, benefits, work status, and work responsibilities will not change due to their participation in flexible work arrangements. The amount of time the employee is expected to work per pay period will not change due to participation in flexible work arrangements.
 - VI. Employees who participate in flexible work arrangements are subject to all College policies and procedures including, but not limited to those regarding confidentiality; disclosure of information; conflict of interest; and acceptable use of information technology resources. All participants must complete a flexible work arrangement application/agreement.
 - VII. The Board of Trustees authorizes the president to establish any procedures necessary to implement this policy.

Board Approval: March 19, 2001; May 18, 2009; June 17, 2019; October 19, 2020; April 15, 2024.

Chapter: Personnel

Modification No. 007Subject: **Flexible Work Arrangements**

I. Overview

- A. The following flexible work arrangements procedures apply during normal College operations.
- B. During an emergency closure, suspension, or mandated change in normal College, campus, or specific building(s) operations, specific guidance on flexible work arrangements will be provided, as appropriate, based on the College's operational status. Subject to budget limitations, the guidance will include provisions for the purchase or loaning of equipment, office supplies, technology, assistive technology, or other items that may be necessary for employees to perform their job duties and ensure the continuity of operations. Any equipment or technology provided to employees is College property for business use only and must be returned when normal operations resume or upon request.

II. Definitions

- A. Alternate (Remote) Work Location: A worksite approved by the employee's supervisor and unit administrator that is not a College worksite.

Alternate (remote) work locations must be in the United States. Locations within the U.S. are limited to the state of Maryland and states where the College has reciprocal payroll tax agreements. If deemed in the best interest of the College, exceptions may be granted with the approval of the appropriate Senior Vice President and Chief Human Resources Officer.

- B. Alternate Work Schedules

- 1. Compressed Work Week: Regularly scheduled hours worked are fixed over fewer than five (5) days a week or, in some cases for exempt employees (only), over a two-week period.
- 2. Eligible Position: An occupational job class and/or position identified by the Office of Human Resources and Strategic Talent Management (HRSTM) to be appropriate for flexible work arrangements.
- 3. Flexible Work Schedule: Agreed-upon arrival and departure times that differ from the standard schedule for the department. The schedules may be fixed for a period or can vary from day to day.
- 4. Flexible Work Arrangement Agreement: The documented agreement between the employee and the supervisor which defines and outlines the conditions and terms for the employee's participation in the flexible work arrangement.

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5. Main Work Location: An employee's primary worksite and place where they normally perform work duties.
 6. Payroll Reciprocity: An agreement between two states that allows an employee that works and lives in different states to request exemption from tax withholding in their work state and only pay taxes in the state where they live.
- C. Remote Work: Remote work allows an employee to perform the duties and responsibilities of the employee's position at a remote work location as their main (primary) work location on a routine basis. For the Remote Worker, the home or other approved alternate work location serves as the employee's main work location. Remote workers may be required to periodically travel to and work from an onsite College work location, as needed. The types of remote work include:
1. *Voluntary Remote Work*: Remote work that is authorized pursuant to the application and approval processes detailed below. Requests for voluntary remote work arrangements require the approval of the appropriate Senior Vice President and the Chief Human Resources Officer, or designee.
 2. *Conditional Remote Work*: Remote work that is authorized as a condition of employment, to protect health and safety or as the result of a certified accommodation.
 3. *Mandated Remote Work*: A period of remote work that is ordered as the result of an emergency situation involving health or safety pursuant to federal, state, local, or College mandates.
- D. Telework: Telework allows an employee to trade a commute to perform work, during any part of their authorized work schedule, away from their main worksite at an approved alternate work site. This is not a full-time arrangement. This does not include work done while on official travel or mobile work. The types of telework schedules are:
1. Voluntary Regular Telework Schedule: Telework that occurs on a periodic and regularly-scheduled basis. Regular telework may also include situational telework schedule adjustments with supervisor approval.
 2. Voluntary Situational Only Telework Schedule: Telework that is approved on a case-by-case basis. Instances in which Situational Only Telework may be relevant include, but are not limited to, operational need, commuting issues, ability to maximize productivity and/or focus on special work assignments.
 3. Conditional Telework Schedule: A schedule that is authorized as a condition of employment, to protect health and safety, or as the result of a certified accommodation.
 4. Mandated Telework Schedule: A period of telework that is ordered as a result of a change in the College's operational status or an emergency

situation involving health or safety pursuant to federal, state, local, or College mandates.

- E. Flexible Work Coordinator: The HRSTM staff member responsible for providing employees and supervisors with technical assistance and guidance; maintaining a list of all eligible positions; gathering and analyzing relevant data; producing and maintaining program records and reports; and reviewing and resolving any issues that may arise. The Flexible Work Coordinator does not have a role in the approval process.

III. Eligibility

- A. An individual's eligibility for flexible work arrangements is based on the operational and service needs of a unit, the job responsibilities and duties of a position, and the employees' performance. Certain positions, including but not limited to, those responsible for providing in-person customer service or requiring an onsite presence may not be suited for flexible work arrangements.
- B. Given the potential impact on customer service and operational needs, it is unlikely that an employee approved for a voluntary regular telework schedule would also be approved for an alternative work schedule, but ultimately is at the supervisor's discretion.
- C. Unless otherwise noted in the conditions of employment, participation in flexible work arrangements is at the supervisor's discretion and will vary among departments, offices, and units, depending on the needs of the particular area and the function and responsibilities of employees.
- D. Under normal circumstances, casual temporary employees and student employees are not eligible for a flexible work arrangement, such as voluntary remote work or telework schedules, unless otherwise noted in the conditions of employment.
- E. Employees whose performance is documented as below "satisfactory" or below "meets expectations," are currently on a performance improvement plan and/or have been on a performance improvement plan within 90 days prior to making the request are not eligible for flexible work arrangements.
- F. Employees who have received formal disciplinary action in the form of a written warning or suspension within the past year from the proposed start date of a flexible work arrangement may not be eligible to participate.
- G. In determining if it is appropriate to endorse a request for flexible work arrangements, the employee's supervisor must consider the unit's operational and service delivery needs, the employee's job duties and responsibilities, and the employee's performance. Guidance for each aspect is provided on the Flexible Work Arrangements webpage.

IV. Guidelines for Managing Flexible Work Arrangements

- A. It is the responsibility of the Senior Vice President and Chief of Staff/Chief Strategy Officer to determine the service and operational standards and flexible

work arrangement provisions for their respective divisions and to communicate these to unit administrators and supervisors in writing.

- B. Administrators should communicate the operation/service standards and flexible work arrangement provisions in writing to employees in their area or unit.
- C. Administrators have the discretion to manage the conditions under which flexible work arrangements are scheduled and operationalized within their respective areas if they are in accordance with the requirements of their division as communicated by their SVP.
- D. Flexible work arrangements may vary from person to person depending on the type of work and the needs of the department and the College and must be established and approved by the supervisor prior to beginning any flexible work arrangement. Non-exempt employees are not to work more than the scheduled hours without advance written approval from the supervisor. In the event the supervisor anticipates granting ad hoc flexible work arrangements outside of the specific schedule, the parameters of such flexibility must be outlined in advance. The amount of time the employee is expected to work per week and/or per pay period will not change due to participation in a flexible work arrangement.
- E. A voluntary regular telework schedule may include up to two (2) days per week of work at home or at an alternate work location. Longer telework schedules may be approved for a limited period on an exception basis with the approval of the supervisor. The daily work schedule should include appropriate breaks. Employees shall not perform personal business or activities during designated work hours.
- F. Unplanned or ad hoc requests for a flexible work arrangement during a single work week or pay period may be granted to an employee at the discretion of the employee's supervisor. Approval of a one-time unplanned or ad hoc request does not constitute an ongoing, formal flexible work arrangement that extends beyond a single work week or pay period.
- G. All flexible work arrangements must conform to overtime, time tracking, paid and unpaid breaks, and other provisions of the Fair Labor Standards Act and other relevant employment laws. Mandatory meal breaks and/or scheduled rest periods are not eliminated when an employee works a flexible work arrangement.
- H. All flexible work arrangements are granted on a temporary and revocable basis and may be discontinued by the employee at any time or by the employee's supervisor with no less than ten (10) working days' notice.
- I. Employees who telework/remote work must be available by telephone, email, video-conferencing, and/or other communication and collaboration technologies during scheduled work hours, with the exception of the normal 30-minute per work day meal period and the two 15-minute break periods permitted under normal College procedures. Employees are required to either forward their College office phone to their remote phone line or check College voicemail for messages at least once every two (2) hours.

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- J. Participants who telework/remote work are required to have the appropriate technology and security measures in place to perform the work as outlined in the flexible work arrangement agreement. In addition, telework/remote work employees must have access to the College e-mail system and any College systems and applications necessary to perform their job responsibilities.
 - K. The supervisor retains the right to require an employee with a flexible work arrangement to be physically present at the College on a day that conflicts with the agreed-upon arrangement should the work situation warrant such an action. When possible, employees will be given reasonable notice, no less than a minimum of a 24-hour advance notice, of events that require their physical presence at the College. Notice requirements for fully remote employees may differ based on their remote work location and should be documented within the remote work agreement. An employee required to be present outside of their flexible work arrangement may switch their day(s) during the same work week or pay period with approval from their supervisor.
 - L. If a telework/remote work employee is ill and unable to perform scheduled work, the employee will notify the supervisor and report hours worked and use of Sick Time Off for hours not worked.
 - M. Non-exempt employees with approved flexible work arrangements are required to submit bi-weekly timesheets in accordance with the normal schedule. Exempt employees do not complete timesheets.
 - N. In certain cases, taking a Family or Medical Leave of absence is a more appropriate option than a flexible work arrangement. For more information, please see College Policy and Procedure 35003-Leave Program or contact HRSTM.
 - O. In the event of a change in the College's operational status from green to either yellow or orange, employees should adhere to the work expectations and directives related to the respective status. In most instances, eligible employees with approved flexible work agreements with the capacity to telework will be required to do so if the College is not closed. Employees without approved flexible work agreements are not required to telework on these days. Employees with a flexible work schedule that coincides with a delayed opening, early opening, or full-day closing will be responsible for making up any hours beyond any granted Operational Status Change Time Off. For more information, please see College Policy and Procedure 58005-Closing of the College.
- V. Application, Approval, and Submission Processes
- A. Application Process
 - 1. Employees who desire a flexible work arrangement shall:
 - a. Review Eligibility and Guidelines for Managing Flexible Work Arrangements.
 - b. Discuss their job duties and the needs of the unit with their immediate supervisor to determine what flexible work arrangements are most appropriate.

- c. Submit their application which shall include the terms of the agreement for review and approval.
- d. Employees must submit an application at least once each fiscal year, or when there are any changes to the requested flexible work arrangement.

B. Approval Process

- 1. All flexible work arrangement applications are reviewed and approved by the employee's direct supervisor, who will determine whether a flexible work arrangement is appropriate. If the direct supervisor does not approve the request, the direct supervisor will provide the reason for the decision in writing to the employee
- 2. An agreed-upon flexible work arrangement will be forwarded to the next-level supervisor in the employee's supervisory chain for final approval.
- 3. If the employee and direct supervisor are unable to agree to the terms of a flexible work arrangement, the employee may send a copy of the flexible work arrangement application, including a summary of the points on which the direct supervisor and employee agreed and/or disagreed, to the next-level supervisor in the employee's supervisory chain. The next-level supervisor will review the materials and approve or deny the request. If the request is not approved, the next-level supervisor will provide the reason for the decision in writing to the employee.
- 4. Any employee whose flexible work arrangement is denied or terminated pursuant to 3 above may request that the Chief Human Resources Officer, or designee review the application for consistency with College policies and procedures, and review the denial or termination. The scope of the review will be limited to determining whether the action was arbitrary, capricious, or did not follow the existing procedure. The decision of the Chief Human Resources Officer, or designee is final and binding.
- 5. The approved flexible work arrangement will be subject to review and renewal at least annually, to correspond with the College's fiscal year (July 1 to June 30). Whenever there is a change in supervision, employment status, office conditions, or job duties, the employee may be required to submit a new flexible work application.

C. Submission Process

- 1. Once the flexible work application has been reviewed and approved by the employee's supervisor, the application should be forwarded to the next-level supervisor for final approval.
- 2. The fully executed flexible work arrangement, signed by the employee and both applicable supervisors, must then be submitted to HRSTM. See

the Flexible Work Arrangements website for directions on how to submit an application online.

3. The HRSTM Flexible Work coordinator will review and validate the submitted flexible work arrangement for consistency with College policies and procedures.
4. Once validated, the submission constitutes the formal flexible work arrangement and will be maintained in the HRSTM central file.
5. If an employee has a change to their flexible work arrangement, a new application must be completed, approved, and submitted to HRSTM. See the Flexible Work Arrangements website for directions on how to submit an application online. Paper copies will not be accepted.
6. Administrators with one or more direct reports are required to prepare and submit a comprehensive flexible work schedule for their unit/area (i.e., approved schedules for employees who participate in any Alternative Work Schedule or telework). Unit/area Flexible Work Arrangement plans must be submitted three (3) times per year (i.e., fall, spring, summer) in accordance with the annual deadlines communicated by HRSTM. Employees are required to submit an application at least once each fiscal year, or when there are any changes to the requested flexible work arrangement.

VI. Alternative Work Schedules

A. Compressed Work Week

1. Exempt and non-exempt employees may request compressed work schedules as follows:
 - a. Four (4) ten-hour (10-hour) days (alternative work schedule A)
 - b. Four (4) nine-hour (9-hour) days and one (1) four-hour (4-hour) day (alternative work schedule B)
2. Exempt employees may also request eight (8) nine-hour (9-hour) days and one (1) eight-hour (8-hour) day for a two-week (2-week) pay period (alternative work schedule C). Non-exempt staff are not eligible for work schedule C.

B. Flexible Work Schedule

An employee may request a work schedule in which the start and end times vary and/or differ from the standard schedule for the department. Non-exempt employees must work their prescribed number of hours each week. Exempt employees must work their prescribed number of hours within the two-week (2-week) pay period. Flexible work schedules should be fixed for a designated period of time. Nothing in this section shall be construed to permit compensatory time (excess hours worked carried over as time off from one work week to another).

VII. Alternate (Remote) Work Location

- A. Employees who are approved for telework and/or remote work must designate a specific workspace at the off-site alternate work location. This workspace will be considered an extension of the employee's workspace at their main College work location. Therefore, the College will continue to be liable for job-related accidents of employees that occur in the alternate work location during the employee's working hours and reserves the right to inspect the workspace upon 24 hours' notice or have the employee submit a self-certified safety checklist for the purpose of determining that the site is safe and free from hazards. Workers' Compensation liability is limited to the designated work space as opposed to all areas of the home and must be specifically listed on the application.
- B. The College will not be liable for theft or for damage to the employee's real or personal property while the employee is working at the off-site work location. Also, the College assumes no liability for injuries occurring in the employee's off-site workspace outside of the established working hours.
- C. Employees are expected to maintain safe conditions in the off-site workspace and to practice the same safety habits in the designated space as in his/her workspace at the College.
- D. Employees remain responsible for all insurance, utility, telephone, internet service, and other work-related costs at the off-site location.
- E. Employees should consult their tax advisor with respect to tax consequences associated with telework and/or remote work.
- F. In the event of an injury at the off-site location, the employee shall immediately (as circumstances permit) contact his/her supervisor.
- G. Employees with approved flexible work arrangements shall adhere to all College policies and procedures, and guidelines on the use of information technology. The employee is responsible for maintaining confidentiality and security at the off-site workspace.

VIII. Supplies, Equipment, and Security

- A. The College will not purchase equipment solely for the purpose of permitting an employee to have a flexible work arrangement, unless required by a condition of employment, as the result of a certified accommodation, or during periods of mandated remote work, subject to budget limitations.
- B. Employees may use College-owned supplies and equipment at an off-site workspace, with the prior, written approval of their supervisor, provided the supplies and equipment will be used for College work-related purposes only. Employees should promptly contact the IT Helpdesk and notify their supervisor of any malfunction in College-owned equipment. If repairs are needed, the employee must promptly return the equipment.

- C. All equipment and supplies provided by the College remain the property of the College and if not required for onside work must be returned promptly to the College at the conclusion of any flexible work arrangement.
- D. When connecting to College technology resources through the College provided VPN, employees must use a College device issued for this purpose (i.e. College laptop). Employees may use their own peripheral equipment (e.g. printer, scanner, etc.), provided no cost is incurred by the College and that any data produced by this device is handled in line with College policies 66001—Acceptable Use of Information and 66002—Confidential Data Management and Security. Repair and maintenance of employee-owned equipment is the responsibility of the employee, as is the cost of any internet service required to access the College email and other information systems.
- E. Employees are required to comply with policies and procedures 66001-Acceptable use of Information Technology, and 66002-Confidential Data Management and Data Security.

IX. Supervisor/Employee Orientation, Education, and Training

Education is a key element of this Policy. The College will provide education and information, as appropriate, for employees and supervisors to enhance understanding and increase awareness of the College's Flexible Work Arrangements Policy and Procedures. The President is authorized to provide institutional leadership and guidance for developing education programs to increase knowledge and share information and resources to promote the needs of employees and students.

Some goals to be achieved through education are; (a) ensuring that all employees and supervisors are aware of the availability and limitations of flexible work arrangements; (b) deterring the misuse or abuse of flexible work arrangements; (c) managing a virtual and/or geographically dispersed workforce; and (d) identifying efficiencies to be gained by flexible work arrangements. Any mandatory education or training requirements will be announced and posted on the College's website.

Employees who apply to participate in the flexible work arrangement program, and their supervisors, may be required to receive training for guidance regarding the use of flexible work arrangements. Periodic training sessions will be conducted for interested staff by HRSTM.

Administrative Approval: March 19, 2001; February 4, 2003; March 28, 2012; June 18, 2019; October 19, 2020; December 7, 2020; March 18, 2024.

Chapter: Personnel

Modification No. 002

Subject: **Staff Classification Systems and Position Descriptions**

- I. Montgomery College's compensation system is designed to provide every employee a competitive level of compensation that will retain and attract the best qualified employees; ensure that jobs and salaries within the organization bear equitable relationships to one another based on comparability of duties, complexity and scope of responsibilities, and that they are classified to appropriately reflect those relationships. Additionally, the College seeks to develop and provide reward structures, program, and practices that will facilitate and support other human resource processes, including staffing, succession planning, labor relations, performance management, and career development.
- II. Montgomery College is committed to sound stewardship over available total reward resources for every employee and seeks to promote fairness, equal opportunity, and support of the institution's diversity goals, and comply with all applicable federal and state laws and regulations.
- III. Administrative and staff positions with substantially similar duties, responsibilities and requisite qualifications shall be grouped in like classes. These occupational classes shall be allocated to pay ranges designed to maintain a reasonable degree of external comparability and internal equity.
 - A. The allocation of occupational classes to pay ranges shall be based on job related criteria. The pay ranges for all occupational classes shall be established in such manner as to provide pay equity in accordance with all applicable laws.
 - B. The official classification title shall be used in all official College records, transactions and correspondence.
- III. A position description will be developed, reviewed annually, updated as necessary, and maintained for each administrative and staff position established by the Board of Trustees.
- IV. The President is authorized to establish procedures to implement this policy.

Board Approval: September 21, 1987; April, 23, 2018.

Chapter: Personnel

Modification No. 006Subject: **Staff Classification Systems and Position Descriptions**

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- I. A job class is a group of positions that are sufficiently similar in type of work, level of difficulty and responsibility, and qualification requirements. Class specifications are the broad level description of a job class, a group of positions performing the same type of work at the same level with similar duties, responsibilities, and requirements. Position descriptions outline the assigned duties, responsibilities, supervisory relationships, and other information specific to a position. Administrative and staff positions at Montgomery College are classified according to the duties and responsibilities of the position and assigned to an occupational class.
 - II. Responsibility

The Chief Human Resources Officer is responsible for the grading of all staff positions.
 - III. Job Classification Methodology

The allocation of a class specification to a specific pay range shall be determined by market pricing methodology. Market pricing methodology is a process of examining the external labor market to determine the value of a position based on similar roles and responsibilities.
 - IV. Maintenance of the Classification System
 - A. Every twelve to twenty-four months or as needed, a group of benchmark jobs will be reviewed in accordance with the College's established market pricing methodology. A benchmark job is one that is common in other similar organizations.
 - B. This does not preclude examination of other job class specifications or individual position descriptions.
 - V. Classification Review Request for Staff and Administrators

Administrators and supervisors are responsible for ensuring that a position description accurately reflects the work performed by staff and administrators under his/her supervision. Position descriptions shall be reviewed and modified as appropriate at a minimum on an annual basis by staff and administrators and their respective supervisors as part of the evaluation process.
 - A. The Chief Human Resources Officer may authorize the review of certain class specifications or certain positions under the following circumstances: major and significant change in the work of a job class or individual position as a result of reorganization, technological or regulatory change, or other unforeseen factors that have a significant impact on work; or prior to recruitment. A request for classification review must be made by the supervisor, manager, or administrator of the position to be reviewed. The request shall include an explanation of how a position has significantly changed from prior classification review. The Office of Human Resources and Strategic Talent Management will notify the employee,

supervisor, and administrator in writing that the request has been received. All requests shall be reviewed in accordance with established guidelines.

- B. The effective date of a reclassification of a position will be the first day of the first full pay period following the date of the decision by the Chief Human Resources Officer.

VI. Position Descriptions of Administrators

The development of position descriptions for proposed new administrative staff positions or modification of existing positions is the responsibility of the administrator's supervisor. Modifications involving changes to organizational structure or the basic function of the position, should be reviewed only after discussion with and with the agreement of the President or designee.

Administrative Approval: September 21, 1987; November 6, 1989; January 30, 1995; February 2, 1999; December 20, 2012; April 27, 2018.

Chapter: Personnel

Modification No. 002

Subject: **Establishment and Management of Positions**

- I. The Board of Trustees, based on recommendations of the President, establishes the total number of regular College positions consistent with efficient operation of the College and the successful achievement of its goals. Additional temporary positions for specific assignments and limited periods of time may be authorized by the President as necessary to help meet efficiently any unforeseen and temporary needs of Montgomery College.
- II. All positions shall be organized in such a manner as to provide for the efficient and effective utilization of human resources in the achievement of the College's goals. Changes in job assignments shall be systematically examined prior to the actual reassignment of duties. This examination shall provide: control by administrative channels over the assignment of duties and responsibilities; information to supervisors regarding probable classification and budget implications and the practicality and effectiveness of the proposed changes on staffing patterns; and a means by which employees are fairly compensated for changes in the level of work they perform.
- III. The President is authorized to establish procedures to implement this policy.

Board Approval: September 21, 1987; April 23, 2018.

Chapter: Personnel

Modification No. 001

Subject: **Establishment and Management of Positions**

I. Responsibility for Establishing Regular Positions

- A. The President shall recommend to the Board of Trustees the total number of regular positions deemed necessary to carry out the mission of the College. A regular position is one which has been established by the Board with the anticipation that it will be necessary to maintain the existence of such position indefinitely on a continuous year-round, academic year, or other basis.
- B. Regular faculty and staff positions may be authorized on an annual basis, or less, and may be full-time or part-time, as approved by the Board of Trustees on recommendation of the President.
- C. Temporary faculty and staff positions for specific assignments and limited periods of time may be authorized by the President. A temporary position is not continuous in nature and shall be automatically abolished when the designated time period has expired, unless otherwise approved by the President for an extension.

II. Procedures for Establishing Regular Positions

- A. During Budget Preparation. Requests to establish additional regular positions are to be made through the College budget process.
- B. After Budget Adoption. Requests to establish additional regular positions which were not budgeted must be approved by the Chief Human Resources Officer before submission to the President and the Board of Trustees. Such requests must indicate the source of funding available to support the position(s).

III. Procedures for Establishing Temporary Positions

Requests to establish temporary positions are to be made through the Chief Human Resources Officer to the Senior Vice President for Administrative and Fiscal Services. These requests should be made in accordance with established guidelines.

Administrative Approval: April 27, 2018.

Chapter: Personnel

Modification No. 002

Subject: **Probationary and Regular Status for Staff Employees**

- I. All staff employees must demonstrate competency in the positions to which they are appointed prior to awarding them regular status, which is defined as: the intent of the College to continue employment as long as the employee's performance is evaluated as at least satisfactory, as long as there exists an authorized and appropriate position, and as long as there is sufficient funding.
- II. The President is authorized to establish procedures to implement this policy.

Board Approval: September 21, 1987; May 15, 2017.

Chapter: Personnel

Modification No. 005Subject: **Probationary and Regular Status for Staff Employees****I Probationary Period**

Probationary period is that period of time that an employee is required to serve in a position to demonstrate his or her knowledge, skills and ability to perform the duties of said position satisfactorily. Probationary periods are required for all new hires, and for regular staff who are promoted or transferred into a different job class, and for temporary employees who are promoted or transferred into a regular position.

II. Conditions of Probationary Status for Staff Employees

- A. The normal probationary period for staff employees shall be six months, with the following exceptions:
 - 1. A probationary-status employee shall be required to serve at least a six-month probationary period in any regular position to which promoted. Such probationary period may run concurrently with the employee's probationary period in the original position.
 - 2. A temporary, acting, or interim employee filling a regular position and subsequently appointed to that position on a regular basis without a break in service shall be entitled to be credited with an amount of service credit toward regular status. The credited service shall be equal to the time served between appointment as a temporary employee and appointment as a regular employee.
 - 3. If there are sufficient similarities between positions, each probationary-status employee who is transferred from one regular position to another regular position of like responsibility may, upon approval by the Chief Human Resources Officer, retain the period satisfactorily served in the former position for credit towards earning regular status as a regular employee. However, depending on the specific situation, or if the prior service has not been satisfactory, the employee may be assigned a new probationary period.
- B. The Chief Human Resources Officer may, however, assign longer probationary periods when deemed appropriate and necessary to the situation.
- C. A regular-status employee transferring to a temporary position shall automatically forfeit regular status as an employee.
- D. The incumbent of a reclassified position shall retain the status-- probationary or regular-- held in that position at the time it is reclassified.
- E. Each staff employee who leaves the service of Montgomery College shall be considered a probationary employee when re-employed.

III. Regular Status

- A. A probationary employee shall become eligible for consideration for regular status upon satisfactory completion of the probationary period.
 - B. Regular status is granted to an employee when it is the intent of the College to continue employment as long as there exists an authorized and appropriate position, sufficient College funding, and as long as the employee's performance is evaluated as at least satisfactory.
 - C. A recommendation not to grant an employee regular status should be submitted by the employee's supervisor to the Chief Human Resources Officer, or designee, at least 30 calendar days before the end of the probationary period.
- IV. Procedures for Extension of Probationary Period for Staff Employees
- A. A supervisor may recommend to extend a new employee's probationary period under the following circumstances, including but not limited to, catastrophic illness, unplanned medical/family leave, unsatisfactory conduct, or poor performance.
 - B. The supervisor shall consult with the Chief Human Resources Officer, or designee, prior to making any recommendation.
 - C. A recommendation for probationary extension shall be submitted to the Chief Human Resources Officer, or designee, at least 30 calendar days prior to the date the employee is eligible for regular status
 - D. The recommendation to extend the probationary period must explain the reason(s) for the extension.
 - E. A supervisor may recommend extension of that employee's probationary period for a specified period of time, not to exceed six additional months.
 - F. The Chief Human Resources Officer, or designee, will review the recommendation. If the extension is approved, the Chief Human Resources Officer, or designee, will notify the employee in writing at least two weeks in advance of the effective date of the extension of the probationary period and three weeks prior to the date the employee is eligible for regular status.
 - G. In the event the Chief Human Resources Officer, or designee, does not approve the recommendation for extension, the Chief Human Resources Officer may grant regular status at the end of the original probationary period.
- V. Discharge During Probationary Status
- A. Recommendations for discharge must be made in accordance with 34003CP, Discharge of Administrative, Associate, and Support Staff, section II, Discharge During Probationary Period of Associate and Support Staff Employees.
 - B. If a supervisor determines that a new probationary staff employee's conduct or performance is unsatisfactory, or that other actions of the employee warrant dismissal during the probationary period, the supervisor may recommend the

employee be discharged.

- C. The supervisor shall consult with the Chief Human Resources Officer, or designee, prior to making any recommendation.
- D. A recommendation for discharge of a probationary employee shall be submitted to the Chief Human Resources Officer, or designee.
- E. A recommendation to discharge a probationary employee must explain the reason(s) and must include documentation of:
 - 1. Attempts made by the supervisor to make the employee aware of any performance improvement needs;
 - 2. Warnings given to the employee; and/or
 - 3. Any other material pertinent to the recommendation
- F. The Chief Human Resources Officer, or designee, will review the recommendation. If the discharge is approved, the Chief Human Resources Officer, or designee, will notify the employee in writing.
- G. Such notice must explain the reasons for recommending termination and must include documentation of the attempts made by the supervisor to make the employee aware of any shortcomings in the employee's performance; the attempts to motivate the employee to improve performance; warnings given to the employee; and any other material pertinent to the recommendation.

Administrative Approval: September 21, 1987; September 27, 1990; March 1, 2004 (editorial); October 1, 2010; May 31, 2017.

Chapter: Personnel

Modification No. 002

Subject: **Changes in Employee Status**

- I. Montgomery College values the pursuit of career mobility and encourages employees who express an interest, and have the abilities, to pursue internal opportunities to foster their career development.
- II. The College also recognizes that a variety of personnel actions regarding changes in employee status are required to carry out the day-to-day functions of the College to remain agile and flexible, while being fiscally responsible and respecting the need for equity and inclusion.
- III. It is the policy of the Board of Trustees that the President is authorized to take any and all personnel actions deemed necessary, consistent with Board policy and appropriate law, including but not limited to the right to abolish or eliminate positions, reassign employees, transfer employees, reduce staff, modify salaries and reclassify positions.
- IV. The Board of Trustees retains the right to review and approve the addition of any permanent positions to the College's total personnel complement and retains the right to mandate personnel actions in unusual circumstances where the President does not take personnel actions necessary and appropriate in light of serious fiscal constraints.
- II. The President is authorized to establish procedures to implement this policy.

Board Approval: September 21, 1987; June 25, 2018.

Chapter: Personnel

Modification No. 010Subject: **Changes in Employee Status**

I. Matters Related to Administrator Status**A. Academic Rank**

1. A faculty member who is appointed to an administrative position from the faculty of the College shall retain academic rank as a member of the faculty of Montgomery College.
2. An administrator may qualify to teach or may offer prior teaching and relevant preparation and experience for appropriate consideration and become eligible for academic rank in accordance with College policies and procedures regarding academic rank.

B. Waiver of Tenure

1. General: Except as stated below, Administrators waive any right to tenure in any position at the College and are not deemed to be granted continuing tenure or similar status.
2. Exception: If a person who qualified for and was granted academic tenure as a member of the faculty of Montgomery College is appointed to an administrative staff position, that person shall continue to retain tenure as a faculty member only. That person shall not be deemed to have been granted continuing tenure or similar status in an administrative position. If that person is subsequently reassigned to a faculty position, he/she will continue to retain the faculty tenure that was previously granted.

II. Changes in Administrator Status**A. Reassignment**

1. The President may reassign an Administrator at any time to a position for which the person is qualified. Any reassignment shall be in the sole discretion of the President. In the event of reassignment, the terms and conditions of employment governing the position to which the administrator has been reassigned, including but not limited to salary pay range, shall apply.
2. The reassignment shall not result in a salary reduction during the fiscal year in which the reassignment occurs unless the reassignment is based on lack of funding or economic or financial difficulties.

B. Abolishment of Administrator Positions

1. Lack of Funding and/or Economic or Financial Difficulties
 - a. The President may abolish an Administrator position at any time

based on lack of funding and/or economic difficulties. The employment of an Administrator may be terminated at any time based on economic difficulties, including but not limited to lack of funding. Such abolishment and/or termination shall be in the sole discretion of the President.

- b. In the event that the President deems it necessary to abolish an Administrator position and/or terminate the employment of an Administrator based on lack of funding or economic difficulties, the President will notify the affected employee in writing that the position is being abolished and/or that the Administrator's employment is being terminated, state the effective date of the action(s) and the reason for such termination. In the event of termination under this provision, an Administrator will be given at least a minimum of 60-days notice.
- c. If economic or financial difficulties result in termination of an Administrator, the affected employee will be given consideration for other vacant positions for which the Administrator may be qualified.

2. Reorganization

- a. If the functions of an Administrator position change substantially or if there is no longer a need for an Administrator position as a result of changes in the organization or operation of the College, an Administrator position may be reclassified or abolished by the President. Such abolishment or reclassification shall be in the sole discretion of the President.
- b. If the reorganization results in abolishment of an Administrator position, the incumbent of any such position will be notified in writing that the Administrator position is being abolished and the effective date of the action. The affected Administrator will be given appropriate consideration for other vacant positions for which he/she may be qualified. In such circumstances, the affected administrative staff employee shall be given at least sixty (60) calendar days notice of the effective date of the abolishment.
- c. If the reorganization results in reclassification of an Administrator position, the following procedures will apply.
 - (1) The incumbent of any such position will be notified in writing that the Administrator position is being reclassified and the effective date of the action.
 - (2) If the incumbent is qualified for the reclassified position, the incumbent may be reassigned to that position.
 - (3) If the incumbent is not being reassigned, he/she will be given appropriate consideration for other vacant positions for which the Administrator may be qualified. If

the reclassification results in termination of employment notice will be given at least sixty (60) calendar days before the effective date of such termination.

III. Administrative Associate Assignments

A. General

1. Administrative Associate assignments provide professional development opportunities for full-time faculty, part-time faculty, and regular staff, depending on the availability of appropriate funding sources. These assignments allow full-time faculty and staff members to temporarily perform specific administrative projects that make use of special employee skills and talents on an alternate time basis.
2. Administrative Associate assignments may be full-time or part-time.

B. Requests

1. Each College administrative office may request the assistance of an Administrative Associate, within the parameters of the College planning and budgeting process, by submitting a memorandum through appropriate channels. The memorandum will outline the following:
 - a. Description and objectives of the project;
 - b. Justification for using faculty/staff expertise and skills required;
 - c. The position number and supervisor for the position;
 - d. The coverage plan for the individual if that individual is leaving an existing position at the College to serve as the Administrative Associate; and
 - e. Estimated time support required.
2. The office making the request will include the project within its unit plan.

C. Applications

Each employee interested in an advertised administrative associate assignment will submit in writing to the appropriate administrator a request to be considered for the assignment. The request will include:

1. Qualifications for the specific assignment.
2. Specific reasons for desiring the administrative associate assignment.
3. Approval of current supervisor.

D. Selection

The responsible administrator will interview all qualified applicants. The administrator shall select an associate keeping in mind the objectives to be accomplished; qualifications of the applicants; and specialized past experience that may be of benefit in meeting the specific objectives within a time limit important to a particular assignment. It is also important to recognize that the

selection of qualified employees from underrepresented groups may assist the College in meeting its affirmative action goals. The selection of employees for administrative associate assignments must be made well in advance of an academic semester to allow for selection of qualified replacements.

E. Evaluation

At the beginning of each assignment the administrator and the associate will establish specific goals and objectives. Within one month after termination of the assignment, the associate will submit a self-evaluation and an evaluation of the assignment to the responsible administrator with a copy to the appropriate Senior Vice President. A performance evaluation of the employee will be forwarded by the responsible administrator to the appropriate provost/supervisor upon request.

IV. Changes in Staff Employee Status

A. Employee Transfers and Reassignment

The College values professional development, and encourages staff and faculty to identify and pursue other positions within the College that will add to their potential growth. Moreover, as the needs of the College evolve, the College may need to reallocate or reassign staff to other positions, departments or locations to address those changing needs. Reassignment to a different campus or location is not considered a change in status and is not appealable. The College's ability to quickly respond to our students' rapidly changing needs is crucial to our students' success. The College is committed to a level of agility that is responsive to our students, and College employees understand that duties and locations of their jobs may change according to these needs.

1. Staff Transfer

- a. Employees who have successfully completed a probationary period, if applicable, may apply to any vacant position. Any such vacant position will need to have appropriate funding prior to finalizing any transfer.
- b. An employee or supervisor may identify an opportunity for a lateral move, where an employee transfers from one position to another in the same compensation grade. This type of lateral transfer may be made if the current and receiving supervisors and the employee agree, the employee meets the requirements of the position, and the transfer is approved by the chief human resource officer or designee. In cases where transfers are approved for a position with an ongoing recruitment effort, the hiring supervisor will notify the relevant human resources staff.

2. Staff Reassignment

- a. Upon recommendation of the employee's supervisor and in consultation with the receiving supervisor and the Office of Human Resources, the College may transfer an employee between similar positions without the employee's consent when

such transfer is deemed to be in the best interest of the College.

- b. Notification of a reassignment shall be made in writing by the employee/labor relations administrator, or designee, to the affected employee at least two weeks prior to the effective date of transfer. The notification shall contain (i) the reasons for the transfer, (ii) whether there will be any material change in the employee's status, including but not limited to a change in shift, wages, location, etc., and (iii) any appeal rights.
 - c. An employee having been notified of a pending reassignment may appeal such reassignment to the chief human resources officer within five (5) working days of receipt of such notification. The appeal should state the reason(s) why such reassignment would not be in the best interest of the College. The chief human resources officer, or designee, may uphold, modify, or rescind the reassignment. The decision of the chief human resources officer, or designee, shall be final.
 - d. An employee who remains in the same position but is reassigned to a different campus or location is not considered to have a change in status, and thus the reassignment is not appealable.
 - e. Temporary Reassignments. An employee may be temporarily reassigned to another position, if qualified, or another College location, on a temporary basis, in the best interest of the College. Such a reassignment must last fewer than six months, and shall be subject to an additional one-time renewal of no more than five months. Temporary reassignments shall be approved by the chief human resource officer or designee. An employee shall receive written notice at least two weeks in advance of the effective date of the temporary reassignment. Temporary reassignments are not appealable.
3. Retention of Service Credit. An employee in good standing who is transferred pursuant to this procedure shall retain the service time from the employee's former position for credit toward the award of an annual salary adjustment.
4. Rights of Transferred Employee. If a staff employee fails to perform satisfactorily the duties and responsibilities of the position to which he or she was transferred (except for reasons that warrant disciplinary action), an effort will be made to place the employee in a comparable vacant position if possible pursuant to College Policy and Procedure 34003- Probationary and Regular Status for Staff Employees.
5. A temporary assignment or reassignment of duties does not constitute a transfer of any kind and is not appealable.

B. Promotion of Staff Employees

1. Promotion of staff employees is defined as:

- a. an appointment to a position that has a higher grade; or
- b. the assignment of higher level duties and responsibilities.

The reallocation of an existing job class to a higher grade is not considered a promotion. See 35001/35001CP Compensation Programs.

2. Conditions for Promotion

- a. All promotions should be made in consultation with human resources staff and/or the appropriate administrator(s) for the unit.
- b. Promotions in the College may occur in a variety of ways, including but not limited to:
 - 1) Promotional vacancies
 - 2) Internal searches
 - 3) External searches
 - 4) Managerial discretion
 - 5) Completion of advanced degrees
 - 6) Substantial service and contribution to the College
- c. The above list of factors may give rise to the opportunity for a promotion, but do not guarantee such promotion will be available or offered. Other factors, such as budgetary constraints, must also be considered in offering a promotion.
- d. Every effort shall be made to ensure that an adequate pool of individuals is identified and considered for promotion at any level.
- e. Before a promotion may take effect, the job description for the position must be reviewed and approved by appropriate staff in the Office of Human Resources, and the promoted employee must qualify for the position.

C. Demotion of Staff Employees

- 1. Demotion is the movement of an employee from one position to another position at a lower grade, and may be voluntary or involuntary. Demotions resulting from disciplinary action are addressed in 34002CP- Disciplinary Action and Suspension. Reductions in grade as a result of the maintenance of the classification system are not demotions.
- 2. Voluntary Demotion – A voluntary demotion to a lower level position will be accompanied by a commensurate salary reduction. However, no employee may receive a salary that is above the maximum for the employee's new grade unless special circumstances clearly indicate such reduction is not in the College's best interest. The decision in this matter shall be made by the chief human resources officer, or designee. The chief human resources officer shall notify the employee in writing of the effects of the demotion on the employee's status.

3. Demotion Due to Elimination of Position – A demotion due to the elimination of a position is an involuntary demotion that is non-disciplinary. The College may involuntarily demote an employee to a vacant position if the College has decided to eliminate the employee's incumbent position. The salary of an employee, who is demoted due to a position elimination may be reduced when the employee is assigned to a lower grade should his or her salary be above the maximum of the pay grade for the new position.

3. Appeals from Demotion

- a. Except as stated in subparagraph (c) below, a probationary-status employee cannot appeal a demotion.
- b. A regular status employee who has been demoted may appeal such demotion to the chief human resources officer within five (5) working days of the receipt of the notification of the action.
- c. A staff employee who is in a probationary-status due to a promotion shall have the same appeal rights outlined in subparagraph (b) above.

- V. Reduction-In- Force for Non-Bargaining Staff Employees

- A. A reduction-in-force (RIF) occurs when the College decides, as part of a single decision-making process, to eliminate at least two positions and terminate, demote, transfer, promote, or reassign the employment of the incumbents in those positions, because of financial exigency, decline in student enrollment, program change(s), or other reasons which will necessitate a reduction in staff.
- B. The chief human resources officer, after consultation with appropriate administrators, shall recommend a reduction-in- force and indicate the reasons therefore to the President, or designee. The recommendation should include the names and job titles of those employees whose positions are recommended for elimination.
- C. The President, or designee, may approve or disapprove the recommendation. If the President, or designee, approves the recommendation, the chief human resources officer, or designee, shall notify the appropriate administrators and supervisors of the recommendation.

Before recommending layoffs, the chief human resources officer will consider whether the transfer of employees to other positions is in the best interest of the College. If the chief human resources officer determines layoffs are necessary and the President approves, seniority shall be among the determining factors between employees deemed to be of the same relative competence. To determine whether employees are of the same relative competence, performance evaluations will be consulted. If evaluations are not available for all employees in the job title and affected group, the supervisor must complete the evaluation as soon as is practicable. Length of service shall be among the factors between employees of the same relative competence. In no event shall an employee with regular status be terminated and an employee with temporary or

probationary status be retained in the same job title.

- D. The chief human resources officer shall notify the employee(s) in writing of the reasons for the reduction-in-force and whether there are opportunities for reemployment or continued employment, and appeal procedures. Each employee shall be given at least ninety (90) calendar days, or the applicable period required by law, between notification and implementation of the RIF. Human resources representatives shall also meet with the affected employees to discuss the recommendation and options for continued employment (e.g., transfer, demotion, or promotion) and reemployment.

E. Appeals

1. Determinations made in the course of a reduction-in-force proceeding are not subject to the grievance procedure. Employment decisions made as part of a RIF, as described in this procedure, are not generally appealable. However, an employee whose employment status changes due to a reduction-in-force is permitted to submit an appeal solely regarding the RIF procedures set forth above. The appeal must show a clear and significant deviation from the procedures that likely would have resulted in a different outcome.
2. The appeal must be made in writing to the chief human resources officer, or designee, within five (5) working days after receiving the written notification of change in employment status. The appeal must state the clear and significant deviation(s) from this procedure, and how the different outcome(s) were likely had the procedure been followed.
3. The chief human resources officer, or designee, shall within ten (10) working days review the procedure followed in the RIF that is subject to the appeal. The chief human resources officer, or designee, shall provide the appealing employee a written response containing the findings.
4. If the appeal is resolved in favor of the employee, the chief human resources officer, or designee, shall fashion an appropriate remedy. If the appeal is resolved against the employee, the change in employment status shall be effective no less than two weeks from the date of written notification of final appeal decision.

Presidential Approval: September 21, 1987; May 23, 1988; November 6, 1989; July 16, 1993; October 18, 1993; March 2, 2004 (editorial); January 10, 2012; December 20, 2012; June 10, 2013; June 28, 2018.

Chapter: Personnel

Modification No. 001

Subject: **Disciplinary Action and Suspension**

- I. It is the policy of the Board of Trustees to encourage high standards of service, fair, equitable and consistent handling of unacceptable employee behavior or acts, and constructive counseling. Employees whose behavior, actions or inactions are unacceptable shall be subject to disciplinary action. Disciplinary action shall generally be progressive in nature, and include but not be limited to a warning, reprimand, suspension, or dismissal. Except for unusually serious offenses, dismissal will not be proposed unless there is a previous record of disciplinary action against the employee.
- II. Nothing in this or any other policy shall preclude disciplinary action against an employee regardless of whether the employee may have a satisfactory performance rating or regardless of the lack of previous disciplinary actions against the employee.
- III. The President is authorized to establish procedures to implement this policy.

Board Approval: September 21, 1987.

Chapter: Personnel

Modification No. 007Subject: **Disciplinary Action and Suspension****I. General**

- A. The general purpose of disciplinary action is to correct improper performance or behavior, to provide clear notification when improvement is needed, and to hold employees accountable for their impact on the workplace. Employees whose behavior, actions or inactions are unacceptable are subject to disciplinary action.
- B. The degree of discipline shall depend on the gravity of the offense and the circumstances under which it occurred. Disciplinary action taken by supervisors should be timely and progressive including, but not limited to, a warning, reprimand, suspension, demotion, or dismissal. However, at times, factors may make it impracticable in individual cases to give prior warnings; e.g., when behavior or acts are of so grave a nature that a first occasion violation is a cause for a recommendation for the employee's discharge.
- C. Nothing in this or any other policy or procedure of this manual shall preclude taking adverse action against an employee, if such action is appropriate, regardless of whether the employee may have a current official performance rating of satisfactory or better, or regardless of the lack of previous disciplinary actions.
- D. Non-bargaining staff employees may be accompanied by another non-bargaining staff employee to provide support during the disciplinary process outlined below. The support person may be selected by the employee (subject to certain limitations; i.e., the staff of the General Counsel's Office or the Office of Employee and Labor Relations may not serve as a support person), and the support person may not participate in the process, but may take notes.
- E. As used in this procedure, working days are defined as all days during the calendar year where the College is open for the normal course of business other than Saturdays, Sundays, and days the College is closed.

II. Reasons for Disciplinary Action

Any one of the following shall be deemed sufficient reason to discipline an employee, although discipline may be for reasons other than those listed below.

- A. Insubordination.
- B. Misconduct or malfeasance or nonfeasance of duty.
- C. Dishonesty in the performance of duties or in activities related to the performance of duties.
- D. Unsatisfactory attendance or tardiness record.
- E. Performance issues, such as, but not limited to, failing to discharge duties in a

satisfactory or timely manner.

- F. Unauthorized access of confidential information, including but not limited to student or personnel records; as well as misuse of confidential information for purposes other than the legitimate discharge of duties.
- G. Unauthorized possession, use, sale, or distribution of alcoholic beverages or of any illegal or controlled substance while at work or on College premises or off College premises while in duty status.
- H. Unauthorized use, possession, or storage of any weapon, dangerous chemical, or explosive element.
- I. Disorderly conduct on the job.
- J. Violation of safety regulations and instructions.
- K. Unauthorized use of, or negligent damage to, College property.
- L. Littering, defacing, damaging or destroying College property or property under its jurisdiction, or removing, using, occupying or entering such property without authorization.
- M. Theft or attempted theft of College property or services, or personal property, or knowingly possessing such stolen property.
- N. Loafing, intentional idleness or sleeping while in duty status.
- O. Misappropriation of public funds.
- P. Misrepresentation, falsification, or intentional omission of a material fact(s) in connection with employment application, or any record, report, investigation or other proceeding involving a work related matter.
- Q. Forging, altering, falsifying or misusing College documents, records or identification cards.
- R. Unauthorized or fraudulent use of the College's facilities and/or equipment including but not limited to the phone system, mail system, computer system, transportation system and/or equipment, or use of any of the above for any illegal act.
- S. Causing false information to be presented before any administrative proceeding of the College when a person knew or reasonably should have known that the information was false or intentionally destroying evidence important to such a proceeding.
- T. Initiation of, or causing to be initiated, any false report, warning or threat of fire, explosion or other emergency.
- U. Physical or mental abuse, threat or harassment of a College student, employee or any other person on College premises or any other conduct which threatens or

endangers the health or safety of any such person.

- V. Violation of law which is directly related to on the job performance.
- W. Violation of a College policy and/or procedure.
- X. Encouraging others to commit any of the above acts.

The above list is not exhaustive and the College may sanction other conduct deemed harmful to the best interests of the College, its students, or its employees, or conduct that adversely affects the rendering of prompt, courteous, or efficient service by the College. Attempts to commit acts stated above or encouraging or assisting others to commit such acts may be punished to the same extent as if one had committed the act itself.

In addition, the College reserves the right to pursue any and all remedies available at law or equity.

III. Procedures for Certain Disciplinary Actions

- A. Disciplinary actions should generally be corrective in nature. The most common disciplinary actions are outlined below, but the College may, in its sole discretion, choose other remedial measures.
- B. Bargaining unit staff and administrators have provisions detailing certain disciplinary processes in their contracts. To the extent that disciplinary action is taken with respect to those administrators and bargaining staff, the relevant contractual provision shall control the procedure.
- C. Oral or Verbal Reprimands
 - 1. A private discussion shall be held between the supervisor and the employee to discuss the employee's problem and to afford the employee an early opportunity to correct the problem.
 - 2. Oral or verbal reprimands shall be noted in writing by the supervisor for possible later reference and be sent to HRSTM to be included in the employee's personnel file. Outcomes of a verbal reprimand may be documented but does not rise to the level of a written reprimand.
- D. Written Reprimands
 - 1. Supervisors within the employee's supervisory chain may issue written reprimands, which must indicate the nature of the problem, refer to any previous oral or written reprimands, indicate what the employee must do to correct the problem and indicate that further disciplinary action will be taken for subsequent offenses.
 - 2. The supervisor shall discuss the written reprimand with the employee. Written reprimands may be formally recognized and noted in a performance evaluation as influencing a salary increment, promotion recommendation or performance rating.

3. Written reprimands shall be timely issued, typically within ten (10) working days of the incident, with a copy sent to HRSTM to be included in the employee's personnel file.

IV. Disciplinary Demotion of Staff

- A. The Director of Employee and Labor Relations has the authority to demote employees as a disciplinary remedy. Such decisions are subject to the review of the Senior Vice President of Administrative and Fiscal Services at the request of the affected employee. A demotion may include, but may not be limited to, a reduction in pay, a reduction in duties or responsibilities, and/or a reduction in title or rank.
- B. The unit supervisor, after appropriate consultation with HRSTM, shall submit in writing the recommendation for demotion to the Director of Employee & Labor Relations. The recommendation must be accompanied by sufficient documentation to justify the demotion. Sufficient documentation should include a description of the problem, and reference to any prior oral or written warnings or reprimands. The supervisor shall indicate the corrective action necessary and also indicate if subsequent similar behavior may result in a recommendation for the employee's dismissal.
- C. The Director of Employee & Labor Relations shall give the affected employee notice of the proposed demotion, the justification for the demotion, an opportunity to respond to the proposed demotion and to present rebuttal evidence.
- D. An employee demoted for disciplinary reasons shall also have their salary reduced by an amount proportionate to the reduction in the new position duties. However, no employee may receive a salary higher than the maximum of the salary range for the demoted position classification.
- E. A staff employee who has been demoted may grieve such demotion in accordance with 34101CP-Personnel Grievance Process For Non-Bargaining Staff Employees at the Formal Grievance Step.

V. Disciplinary Suspension

The College may suspend an employee whose behavior, action(s) or inaction(s) warrant discipline more severe than a written warning but less severe than termination. The duration of the suspension shall depend on the severity of the offense(s).

- A. The supervisor shall consult with their supervisor as well as the staff of the Office of Employee & Labor Relations prior to recommending a suspension.
- B. The supervisor shall submit a recommendation for suspension in writing to the College's designated authority (the President for administrators, the Vice President & Provost for instructional faculty, the Senior Vice President for Student Affairs for counseling faculty, and the Director of Employee & Labor Relations for Staff).
- C. The designated authority will review the recommendation. The designated

authority may request additional information from either party.

- D. The designated authority shall give the employee an opportunity to respond and present rebuttal evidence.
- E. Typically within three working days (3), the designated authority shall respond to the parties in writing, stating whether the recommendation is adopted, rejected, or modified, and the reasons for that conclusion.
- F. Suspended employees may grieve the decision via Procedure 34101, beginning at the Formal Grievance Step.

VI. Investigatory Suspension

- A. An employee who is alleged to have committed an offense which would warrant disciplinary action may be suspended and placed on investigatory leave at any time for purposes of investigation. The Director of Employee and Labor Relations shall determine the appropriate duration of such administrative leave and whether such leave shall be paid or unpaid. All investigations are conducted with the highest level of confidentiality permitted by the facts and circumstances to remedy the issue.

- B. Staff and Faculty

- 1. The Director of Employee & Labor Relations may suspend an employee with or without pay for purposes of investigation at any time. Such suspension notice shall be in writing to the employee and shall contain a statement of the reasons(s) for the suspension and the effective date of suspension. If the employee is a member of a bargaining unit, the Director of Employee & Labor Relations will notify the relevant union representative and proceed in accordance with any applicable procedure in the appropriate collective bargaining agreement, to the extent such procedure departs from this procedure.
- 2. If the suspension is without pay, the Director of Employee & Labor Relations shall provide the affected employee with an opportunity to explain the employee's position on the matter.
- 3. Upon completion of such investigation, after consultation with the supervisor of the suspended employee, the Director of Employee & Labor Relations shall determine what action should be taken and shall so notify the employee and the supervisor in writing. If the results of the investigation do not substantiate the allegations, the employee will be reinstated and remunerated for lost wages and benefits. If the results of the investigation indicate that a disciplinary suspension is appropriate, the time the employee has been suspended without pay, if any, shall be deducted from the disciplinary suspension period. If the results of the investigation indicate that termination is appropriate, the Director of Employee & Labor Relations shall take the appropriate action.
- 3. A staff employee who has been suspended may grieve such suspension in accordance with 34101CP-Personnel Grievance Process for Non-

Bargaining Staff Employees at the Formal Grievance Step.

4. The Director of Employee and Labor Relations may keep the employee's supervisory chain apprised of the status of an investigatory suspension.

C. Administrators

1. The President may immediately suspend with or without pay an administrator for investigation at any time.
2. The administrator shall receive a written notification of the suspension which contains a statement of the reasons(s) for the suspension and the effective date of suspension.
3. If the suspension is without pay, the affected administrator shall have an opportunity to explain his/her position on the matter prior to implementation of the suspension.
3. Upon completion of such investigation, after consultation with the supervisor of the suspended administrator, the Director of Employee & Labor Relations shall determine what action should be taken and shall so notify the administrator and the supervisor in writing. If the results of the investigation do not substantiate the allegations, the administrator will be reinstated and remunerated for lost wages and benefits. If the results of the investigation indicate that a disciplinary suspension is appropriate, the time the administrator has been suspended without pay, if any, shall be deducted from the disciplinary suspension period. If the results of the investigation indicate that termination is appropriate, the Director of Employee & Labor Relations shall take the appropriate action.

VI. Administrator Pre-separation Suspension: The President may immediately suspend with or without pay an administrator to whom the President has given notification of intended termination of employment or non-renewal of an employment agreement when the President, in his/her sole discretion, believes that such action is in the best interest of the College. The length of the suspension shall be in the sole discretion of the President.

VII. Education

Education is a key element of this Policy. The College will provide education and information, as appropriate, for employees to enhance understanding and increase awareness of the College's Disciplinary Action and Suspension Policy and Procedures. Sufficient periodic training will be conducted for supervisors and for those with direct reports. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing education programs to increase knowledge and share information and resources to prevent violations, promote safety, and reduce perpetration. Some goals to be achieved through education are: (a) ensuring that all individuals are aware of their rights; (b) notifying individuals of conduct that is proscribed; (c) informing potential employees, employees, supervisors, and other members of the college community about the proper way to recognize and address violations of this Policy; and (d) preventing issues that this Policy addresses.

Presidential Approval: September 21, 1987; September 27, 1990; September 2, 1992; January 26, 2005, September 28, 2010, April 19, 2013; April 19, 2019.

Chapter: Personnel

Modification No. 002

Subject: **Discharge of Administrators and Staff**

- I. It is the policy of the Board of Trustees to encourage high standards of service, and fair, equitable and consistent treatment of employees, recognizing that circumstances may arise which preclude continuing employment and result in the termination of an employee.
- II. Any employee whose behavior, act(s) or performance is unacceptable shall be subject to dismissal for cause. Administrative staff employees who are recommended to be dismissed for cause during the one year contractual period of employment and regular associate and support staff employees who are recommended to be dismissed for cause shall have the right to appeal that recommendation.
- III. Temporary associate and support staff employees, probationary new regular employees and temporary casual employees are not granted the right to appeal.
- IV. The President is authorized to establish procedures to implement this policy.

Board Approval: September 21, 1987; April 8, 2019.

Chapter: Personnel

Modification No. 005Subject: **Discharge of Administrators and Staff****I. Discharge for Cause**

- A. The Procedure herein applies to all staff, except when an individual employment contract or collective bargaining agreement calls for other procedures. Certain employees under contract with the College – i.e., administrators and employees who are members of a certified collective bargaining unit with the College – may be subject to contractual provisions for dismissal. In cases where a contractual agreement includes provisions for dismissal that do not match the procedure contained herein, the applicable contract shall control the process. In all other cases, including when a contract is silent on the issue, the Procedure herein shall apply.
- B. An employee may be discharged for cause. For purposes of these procedures cause includes, but is not limited, to:
 - 1. incompetent, inefficient, negligent or unsatisfactory performance of duties;
 - 2. any unacceptable behavior, action or inaction which would be a cause to discipline an employee (see 34002-Disciplinary Action and Suspension);
 - 3. violations of other Policies or Procedures; or conviction of a crime which renders the employee unsuitable for continued employment at the College.
- C. Discharge generally occurs as the final step in progressive discipline, but serious offenses may result in discharge prior to exhausting all steps in the disciplinary process.
- D. **Employee Rights**
 - 1. Sufficient notice of discharge, as outlined herein; and
 - 2. The opportunity to be heard and to present relevant evidence.

II. Procedure for Discharge

- A. A supervisor in an employee's direct supervisory chain may recommend discharge of an employee.
- B. A supervisor may only recommend discharge after consulting with both the Director of Employee & Labor Relations or designee and the Administrator in charge of the unit. The Director of Employee & Labor Relations will determine whether an Investigatory Suspension pursuant to Procedure 34002CP is appropriate while the recommendation for discharge is under review. If the Director of Employee & Labor Relations does not support the proposed recommendation, then he or she will recommend alternative remedies, such as engaging the Ombuds, engaging a mediator, or providing training as appropriate.
- C. The recommending supervisor shall provide the employee with written notice of

the recommendation for discharge, with a copy to the Director of Employee & Labor Relations, which must include:

1. The reason(s) for the recommendation;
 2. Any prior disciplinary or remedial actions;
 3. If applicable, any evidence of wrongdoing, failure to abide by Policy or Procedure, or failure to discharge duties; and
 4. The effective date of the discharge.
 5. Notice of the employee's status pending the outcome of the recommendation and/or any appeal.
- D. The employee may rebut the recommendation verbally or in writing or both within ten (10) working days of receiving notice of proposed discharge to the Director of Employee & Labor Relations. Employee and Labor Relations will assist employees without access to College systems to gather necessary documentation to respond to any recommendations. Failure to meet the deadline, without showing just cause, will result in the employee forfeiting his/her right to rebut the proposed discharge and/or request an appeal hearing.
- E. The Director of Employee and Labor Relations (or designee) shall evaluate the proposed discharge, which shall include, but not necessarily be limited to:
1. The employee's disciplinary record;
 2. The reasons the supervisor stated for discharge;
 3. The employee's rebuttal, if any; and
 4. The supporting documentation from both parties.
- F. If the Director of Employee and Labor Relations finds, after a review of the items enumerated in Section II, E above, that the evidence supports the recommendation for discharge, the Director may adopt the recommendation. The employee may then request a hearing (as outlined in Section III below).
- G. For dismissal resulting from certain disciplinary actions, the recommendation may be made by an administrator (or designee) with oversight of a relevant policy area, such the Office of Employee and Labor Relations or the Office of Compliance, Risk and Ethics. For the purposes of this Procedure, if the recommendation comes from an administrator (or designee) outside the employee's supervisory chain, that individual shall act as the "recommending supervisor."

III. Procedure for Appeal

- A. If the Director of Employee & Labor Relations adopts the recommendation for discharge, the employee may request an appeal hearing, in writing, within five (5) working days. Failure to request a hearing makes the discharge final.
- B. When requested, every effort shall be made to schedule the hearing within twenty (20) working days of the request, but extenuating circumstances may require an extension.

- C. The hearing panel shall be comprised of three (3) employees of the College, including at least one (1) administrator, who shall serve as the chair. The panel shall be selected in consultation with the Senior Vice President responsible for the unit in which the employee works, and the Office of Human Resources.
 - D. The panel shall receive instruction on their role, responsibility, and procedure.
 - E. The hearing is a non-judicial proceeding which is closed to the public. The proceeding will be recorded via audio recorder.
 - F. At the hearing, both the recommending supervisor and the employee shall submit evidence and call witnesses, within reason, and as necessary.
 - G. Upon the conclusion of the hearing, the hearing panel shall draft a recommendation to uphold, modify, or overturn the recommendation for discharge. Every effort shall be made to submit the draft within thirty (30) days of the hearing, but certain circumstances may require an extension.
 - H. The hearing panel shall submit its recommendation to the Senior Vice President responsible for the area under which the employee works.
 - I. The Senior Vice President may, in his or her sole discretion, accept the hearing panel recommendation as it is submitted, modify the recommendation, or overturn the recommendation.
 - 1. If dismissal is upheld, it shall take effect on the date specified in the notice for recommended discharge, or, if that date has passed, as specified by the Senior Vice President.
 - 2. If there is a modification of the recommendation, the modified course of action shall take effect as soon as is practicable.
 - 3. If the recommendation is overturned, the employee shall return to work as soon as is practicable with all applicable rights and privileges retroactively restored.
- IV. Discharge of Temporary Staff (with or without benefits) or Staff on Probationary Period
- A. Temporary or Probationary Staff may be discharged at any time, for any reason or no reason at all. Any supervisor in the employee's supervisory chain may discharge a temporary or probationary employee. The supervisor may provide notice of the reasons for the decision, although providing reasoning is not required.
 - B. The deciding supervisor shall notify both the Director of Employee & Labor Relations, or designee, and the Administrator in charge of the relevant unit, or designee, of any such discharge.
 - C. Temporary and Probationary Staff do not have any right to appeal.
 - D. The College shall have no obligation to Temporary or Probationary Staff who receive notice that regular status will not be granted prior to the end of the

relevant temporary or probationary period. Temporary or Probationary Staff are not entitled to continue working through the end of the temporary or probationary period if such notice is given.

- V. The College's Policies and Procedures, including this Policy, are not intended to constitute a contract of employment, or to confer any additional employment rights.

Administrative Approval: September 21, 1987; November 6, 1989; October 4, 2004; October 1, 2010; April 19, 2019.

Chapter: Personnel

Modification No. 003

Subject: **Non-renewal of Administrative Appointment**

- I. It is the policy of the Board of Trustees that the efficient operation of the institution mandates that all administrative staff be employed pursuant to written employment agreement generally with a one-year term. The agreement should contain a provision for timely notice of non-renewal.
- II. The President is authorized to establish procedures to implement this policy.

Board Approval: September 21, 1987; January 25, 2005 (editorial); April 28, 2014.

Chapter: Personnel

Modification No. 004Subject: **Non-renewal of Administrative Appointment****I. General**

All administrators are employed pursuant to a written employment agreement which generally expires at the end of each fiscal year of the College. At least sixty calendar (60) days prior to the end of the employment term, the President, shall notify the administrator whether the administrator will be appointed for the next fiscal year, and, if so, provide the administrator with the employment agreement governing the terms and conditions of the appointment. The administrator may accept the appointment by signing and returning the employment agreement within fifteen (15) calendar days. The administrator's failure or refusal to sign the employment agreement applicable to the new appointment shall not be deemed a non-renewal or create any right to the payment of severance. In the event that the administrator does not receive either notice of appointment for the following fiscal year or notice of non-renewal for the next fiscal year, at least sixty (60) calendar days before the end of the term, the employment agreement will renew on the same terms and conditions for the following fiscal year. The procedures specified below shall apply in the event of non-renewal of an administrative appointment.

II. Procedures for Non-renewal

- A. Except for an administrator who reports directly to the President, a recommendation that the appointment of an administrator should not be renewed shall be made in writing by that administrator's immediate supervisor and submitted to and reviewed by the President. The recommendation should include the specific reasons for the non-renewal. A copy of that recommendation shall be sent simultaneously to the affected administrator. In the case of an administrator who reports directly to the President, the President will notify the administrator of his/her impending non-renewal.
- B. An administrator recommended for non-renewal may, at the administrator's request, meet with the President to discuss the matter. This meeting is for the purpose of providing the affected administrator an opportunity to state their position. Any such meeting shall be requested within ten (10) working days of the date of the recommendation.
- C. The President shall subsequently notify the administrator whether or not their appointment is being renewed. An administrator whose appointment is not being renewed shall also be notified of the terms of implementation of the non-renewal.
- D. At the request of the affected administrative staff employee, the President shall set forth, in writing, the reasons for non-renewal.
- E. An administrator notified of non-renewal may submit a written statement explaining their position on the non-renewal to the President and request that a copy of that statement be placed in their personnel file.
- F. Nothing in these procedures should be construed to mean that an administrator has a right to appeal non-renewal of a contract.

III. Effect of Notice of Non-renewal

- A. If notice of non-renewal is given, the notice shall state the terms of implementation of the non-renewal.
- B. Nothing in these procedures shall be construed to prevent an employee notified of non-renewal from resigning prior to the specified effective date of non-renewal. In such case, unless otherwise specified, the College shall have no further obligation to the employee after the effective date of the resignation.

Administrative Approval: September 21, 1987; September 27, 1990; January 25, 2005 (editorial); April 11, 2017.

Chapter: Personnel

Modification No. 002

Subject: **Resignation and Retirement**

- I. It is the policy of the Board of Trustees that any employee who resigns will be regarded as separated from employment with the College by choice. Any faculty, staff or administrative employee who desires to voluntarily terminate College employment with the status of resignation in good standing must comply with resignation procedures established by the President.
- II. The President is authorized to establish procedures to implement this policy.

Board Approval: September 21, 1987; May 15, 2017.

Chapter: Personnel

Modification No. 006

Subject: **Resignation and Retirement**

I. Resignation

A. Faculty and Administrators

1. Resignation in Good Standing

- a. A faculty member or administrator who wishes to resign in good standing shall give written notice to their immediate supervisor.
- b. A faculty member or administrator shall provide at least sixty calendar (60) days written notice to their immediate supervisor.
- c. Resignations by mutual agreement between the supervisor and the employee may not be subject to sixty calendar (60) days written notice.

2. Resignation Not in Good Standing

- a. A faculty member or administrator who does not submit their resignation in compliance with the above noted procedure (or whose resignation is not approved in good standing by the Chief Human Resources Officer and/or President) shall be considered as having resigned not in good standing.
- b. A faculty member or administrator who resigns not in good standing will not be eligible for rehire unless an exception (based on all of the facts and circumstances associated with the resignation) is approved by the Chief Human Resources Officer upon recommendation of the hiring manager.

B. Staff Employees

1. Resignation in Good Standing

- a. A staff employee who wishes to resign in good standing shall give written notice to their immediate supervisor.
- b. A staff employee shall provide written notice at least two weeks prior to the employee's last duty day.
- c. The Chief Human Resources Officer may agree to a shorter period of time in unusual circumstances.

2. Resignation Not in Good Standing

- a. A staff employee who does not submit their resignation in compliance with the provisions above shall be considered as having resigned not in good standing.

- b. An employee who is absent from work for a period of three days or more without notifying their immediate supervisor, Chief Human Resources Officer, or other appropriate officials of the reasons for his or her absence shall be considered as having abandoned their position, resigned without notice and not in good standing. However, this decision may be reversed should the Chief Human Resources Officer determine that the failure to contact the appropriate official was caused by circumstances that were unavoidable.
- c. The criteria in the paragraph above shall also apply when an employee fails to return to work within three days of the expiration of authorized leave.
- d. A staff member who resigns not in good standing will not be eligible for rehire unless an exception (based on all of the facts and circumstances associated with the resignation) is approved by the Chief Human Resources Officer upon recommendation of the hiring manager.

C. Resignation Procedures

- 1. Employees should submit their resignation to their immediate supervisor. All resignation notices should include the date the resignation is submitted, the expected date of the resignation, and the reason the employee is resigning.
- 2. Upon receipt of the resignation, the supervisor will promptly notify the Office of Human Resources and Strategic Talent Management (HRSTM).
- 3. The Chief Human Resources Officer will arrange an exit interview with all staff employees, and in some cases faculty members, at the appropriate campuses.
- 4. The employee is sent a termination checklist document which must be cleared by the appropriate supervisor or administrator in the departments indicated on the checklist document. The checklist document must be returned to HRSTM on or before the last day of employment.
- 5. The completed termination checklist document shall be forwarded to the Payroll Office by HRSTM as authorization to release any due compensation. Compensation will only be released after the employee has completed and submitted the termination checklist.
- 6. The submitted checklist document shall be retained in the employee's record. The completed exit interview document shall be retained in a separate confidential file.

D. Request for Review of "Resignation Not in Good Standing" Status

Any employee or faculty member whose resignation has not been accepted in

good standing may request an appeal before the President (for administrators) or the appropriate Senior Vice President for all other employees. The request for appeal must be submitted within five (5) working days of receipt of notification of a determination that his or her resignation is not in good standing, and it shall contain supporting written documentation justifying why the individual believes their resignation should have been accepted in good standing. Determinations not appealed within five (5) working days shall become final.

II. Reemployment Status

The employing supervisor shall indicate their recommendation concerning possible future eligibility for reemployment of a resigning employee in a memorandum accompanying the resignation notice. If the appropriate official indicates disapproval of future eligibility for reemployment, the reason for the disapproval must be indicated and is subject to review and approval by the Chief Human Resources Officer (for staff employees), the President, or designee, for administrators and the appropriate Senior Vice President for faculty. In matters concerning staff employees, differences between the appropriate official and Chief Human Resources Officer which cannot be otherwise resolved shall be submitted to the Senior Vice President for Administrative and Fiscal Services whose decision shall be final.

III. Retirement Procedures

- A. Faculty, staff, and administrators who retire shall follow the same procedure as that established for resignations as outlined above.
- B. Retirement is defined as commencement of pension/annuity benefits from a Maryland State Retirement System Plan or a State Optional Retirement Plan immediately upon termination from the College. Participants of a State Optional Retirement Plan must meet the same age and/or service retirement eligibility requirements as required of the State Pension System to be considered eligible for retirement from the College.

Administrative Approval: September 21, 1987; September 27, 1990; January 26, 1993; March 23, 2004 (editorial); April 28, 2014 (administrative corrections only); May 31, 2017.

Chapter: Personnel

Modification No. 002

Subject: **Grievance Process for Non-Bargaining Staff**

- I. The Board of Trustees recognizes the need for a grievance process for non-bargaining staff employees to assure that employee complaints regarding working conditions, disciplinary actions or alleged violations of policy and/or procedures receive prompt and careful consideration and are resolved in an equitable manner. Prior to filing a formal grievance, employees are required to make every effort to settle such matters informally in the normal system of supervision and administration. The purpose of grievance procedures is to make maximum effort to secure equitable solutions to grievance matters at the lowest possible administrative level.
- II. The President is authorized to establish procedures to implement this policy.

Board Approval: September 21, 1987; April 8, 2019.

Chapter: Personnel

Modification No. 005Subject: **Grievance Process for Non-Bargaining Staff****I. Grievance - General**

- A. Purpose: The internal grievance process is a tool for employees to formally raise concerns and it provides supervisors a process to address those concerns. The goal of the process is to give employees the opportunity to be heard and to ensure that careful consideration is given to decisions affecting employees. The College offers this tool, among others, including the Ombuds, and employees are encouraged to engage with the option that works best for them.
- B. Definition: A grievance is a complaint in regard to working conditions, disciplinary actions, or alleged violations of policy and/or procedures that do not have a specific complaint procedure.
- C. The following are exempt from the grievance procedure:
 - 1. An employee's performance evaluation.
 - 2. The content of published policy of the College.
 - 3. An action terminating a temporary promotion and returning the employee to the employee's previous position.
 - 4. Matters which are subject to appeal under any other established appeal procedure authorized elsewhere in College policies and procedures, including but not limited to 31006CP-Equal Opportunity, Non-Discrimination, 31001CP-Sexual Misconduct, and 34003CP-Discharge of Administrators and Staff.
 - 5. Decisions on the status of probationary and temporary employees (e.g., whether or not to grant regular status, continued funding or need for the position, etc.)
 - 6. Administrators are not eligible to file grievances under this procedure.
- D. An employee, in presenting a grievance under this grievance procedure, shall:
 - 1. Be assured freedom from discrimination or retaliation.
 - 2. Have the right to be accompanied by an employee representative who has been freely chosen and is willing and free to accompany the employee; the accompanying employee should not be involved in a conflict of position, such as might be the case with a member of the Human Resources Office or the Office of Equity and Inclusion.
 - a. When an employee designates another employee of the College as an accompanying employee, the accompanying employee shall be assured freedom from discrimination or retaliation.
 - b. An employee may choose to present a grievance without an accompanying employees.

- E. All decisions rendered at all levels of the grievance procedure shall be in writing setting forth the decision and shall be transmitted promptly to all of the principal parties involved in the grievance and its adjudication.
- F. Each supervisory level shall give each grievance full, impartial, and prompt consideration. Every effort shall be made to issue responses within fifteen (15) working days. The Chief Human Resources Officer may grant an appropriate extension under extenuating circumstances.

II. STEP I: Informal Process

The employee should report the grievance to the employee's immediate supervisor or the supervisor's immediate supervisor within ten (10) working days from the date of the incident or the date the employee became aware of the incident. The employee should describe the incident, explain the problem, and suggest a solution whenever possible. Every effort should be made to resolve the problem at this stage. If a satisfactory solution is not reached within ten (10) working days of notice to the supervisory chain, the employee may then proceed to request Alternative Dispute Resolution or file a formal grievance.

- A. An employee is entitled to present a formal grievance only after informal resolution has been attempted, unless the informal requirement has been waived by the Director of Employee and Labor Relations (or designee) or college policy and procedure states otherwise.
- B. An employee may, as part of the informal process, take advantage of other College resources, such as the Ombudsman, Employee & Labor Relations, or the Faculty & Staff Assistance Program, to help resolve the grievance.

III. STEP II: Alternative Dispute Resolution

In the event a dispute is not resolved during the informal process, an employee or the College may request the assistance of a mediator to resolve the grievance. Such a request must be made to the Office of Employee & Labor Relations within five (5) working days of conclusion of the informal procedure. In no case shall an employee who works in the same unit be appointed to help resolve the dispute.

IV. STEP III: Formal Grievance Procedure

- A. If the matter is not resolved, within five (5) working days of the conclusion of the informal process and/or Alternative Dispute Resolution, the employee may submit the formal grievance, in writing, to his/her next-level supervisor (i.e., the supervisor of the employee's immediate supervisor), with a copy to the Director of Employee & Labor Relations (or designee). The formal grievance must include a description of the problem, the basis of the grievance including prior attempts to remedy the situation, and a proposed remedy (if the latter is practicable).
- B. The next-level supervisor shall consult with the Office of Employee & Labor Relations as part of the review.
- C. The next-level supervisor may request a meeting with the employee or additional information from the employee. The next-level supervisor may also meet with other employees in the unit as needed.

- D. Upon conclusion of the review, the next-level supervisor shall issue a response in writing to the employee, usually within ten (10) working days of the conclusion of the review.
 - 1. The response shall include whether the grievance is upheld or denied or other action will be taken in response, and the basis for the decision.
 - 2. A copy of the response shall be submitted to the Director of Employee & Labor Relations (or designee).
 - E. If the employee's next-level supervisor is a senior vice president, then that senior vice president's review shall be final and the employee will have no further appeal as outlined below.
- V. STEP IV: Formal Appeal
- A. An employee may appeal the Formal Grievance to the responsible administrator for the unit. The responsible administrator will be the lowest-level administrator that has not already been involved in a prior step in the procedure (e.g., typically a Director or Vice President). The employee must submit the Formal Grievance Appeal and all related document to the responsible administrator within five (5) working days, with a copy to the Director of Employee & Labor Relations (or designee). The responsible administrator will be the lowest-level administrator that has not already been involved in a prior step in this procedure (e.g., usually a Director or Vice President)
 - B. The responsible administrator shall consult with the Office of Employee & Labor Relations as part of the review.
 - C. The responsible administrator may request a meeting with the employee or additional information from the employee. The responsible administrator may also meet with other employees in the unit as needed.
 - D. Upon conclusion of the review, the responsible administrator shall issue a response in writing to the employee, usually within ten (10) working days of the conclusion of the review. The response shall include whether the grievance is upheld or denied or other action will be taken in response, and the basis for the decision. A copy of the response shall be submitted to the Director of Employee & Labor Relations (or designee).
 - E. The responsible administrator's review shall be final.

Administrative Approval: September 21, 1987; September 27, 1990; April 12, 2005; August 25, 2010; April 19, 2018.

Chapter: Personnel

Modification No. 008

Subject: **Compensation Programs**

- I. Montgomery College's compensation program is designed to attract and retain high performing and highly skilled faculty, staff, and administrators. The College recognizes the contributions of each employee in achieving the College's Mission. The total compensation philosophy considers both internal and external market factors in determining pay. The external market consists of both academic institutions and general industry employers with whom the College competes for employees.
- II. As part of the College's compensation programs, the Board has authorized a total compensation program, subject to the availability of funding, to include such items as salary, educational assistance, tuition waiver, health and life insurance, retirement, and tax shelter annuities.
- III. The President is authorized to establish procedures to implement this policy.

Board Approval: September 21, 1987; December 13, 1993; October 21, 1996; November 16, 1998; February 15, 1999; October 15, 2007; May 17, 2010; June 17, 2019.

Chapter: Personnel

Modification No. 022Subject: **Compensation Programs**

I. Responsibilities

- A. The President shall recommend to the Board of Trustees changes in the compensation programs for all employees.
- B. The President shall decide salary placement and changes for administrative staff.
- C. The Chief Human Resources Officer (or designee) shall decide salary placement and changes for non-bargaining staff.
- D. Salary for faculty and bargaining staff are subject to their respective collective bargaining agreements.

II. Salary Schedules for Staff and Administrators**A. Salary Schedule Structure**

Salary schedules for all staff and administrators shall be structured to provide stratified differentials between successive grade levels and range lengths. The grades recognize difference in market value and the scope and complexity of the work performed; the range lengths recognize the development of knowledge, skills, and experience with the grade assignment as well as the length of service of the employee.

B. Adjustments for Labor Market Rates

When the established range or salary is significantly below or above competitive rates of pay, additional salary ranges for a staff occupational class may be authorized by the Chief Human Resources Officer and special salary adjustments for administrators may be authorized by the President to meet competitive salaries in relevant labor markets.

C. General Wage Adjustments (GWA)

- 1. The President recommends, each fiscal year, for Board approval, general wage adjustments for administrators and non-bargaining staff.
- 2. General wage adjustments for bargaining unit employees are established through the collective bargaining process. Amendments to the collective bargaining agreements are recommended by the President for Board approval.

III. Initial Salary Placement for Administrators and Staff

- A. The initial salary placement of an administrator shall be based on various factors, such as degrees earned, years of relevant experience, relevant job market, and internal equity among other similar administrator salaries. Salary placements, as

well as appointments, for administrator candidates will be subject to the approval of the President, or designee.

- B. The initial salary of a staff employee is determined by the Chief Human Resources Officer, or designee, based on review of degrees earned, years of relevant experience, relevant job market, and internal equity among staff salaries within the same or comparable occupational classes.
- C. Initial salary placement will be made in accordance with established pay guidelines.

IV. Within-Grade Pay Adjustments

- A. An administrator may request a salary review of a staff employee to resolve a pay inequity. With the approval of the Chief Human Resources Officer, or designee, the Office of Human Resources and Strategic Talent Management (HRSTM) may conduct an equity review by examining the employee's salary history, relevant experience, education, job performance, length of service, and certifications/licenses compared to other employees in the same occupational class.
- B. Any proposed pay adjustment resulting from an equity review must be approved by the SVP for Administrative and Fiscal Services and the Chief Business-Financial Strategy Officer, and may not create pay inequities among other employees. Any adjustment resulting from the review will be effective at the beginning of the pay period.

V. Overtime Pay for Staff Employees

- A. Definition. Overtime is defined as hours worked in excess of 40 hours in a work week. Only those hours actually worked shall be included in computing the 40 hours for overtime pay purposes.

Overtime for bargaining unit employees will be determined in accordance with the collective bargaining agreement.

A staff employee may work more than 8 hours in one day at the regular rate of pay to accommodate an alternative work schedule, special job requirements or to make up for hours absent during the same week provided that:

- 1. Such an arrangement is requested for the employee's own convenience, with the understanding that the employee will not be paid time and one-half, and that the supervisor consents to the arrangement; or
- 2. If the alternative work schedule requires the establishment of a different workweek, an alternative workweek agreement shall be completed and forwarded to the Office of Human Resources and Strategic Talent Management (HRSTM); or
- 3. The supervisor requests that the employee work more than 8 hours because of special job requirements, and the employee consents to the arrangement; and

4. No more than 40 hours are worked in the week.

- B. Nonexempt Employees. Employees designated as nonexempt in accordance with the Fair Labor Standards Act shall be compensated for hours worked in excess of 40 hours in a work week. The rate of pay for overtime worked by a nonexempt employee shall be one and one-half times the employee's regular rate of pay.
- C. Exempt Employees. Employees designated as exempt in accordance with the Fair Labor Standards Act are not eligible for overtime pay. Exempt employees who work in excess of the number of normally scheduled hours on a particular day may, upon approval by the supervisor, reduce a workday in consideration of the time worked on an hour-by-hour basis within the same pay period. See College Procedure 32305CP-Working Hours for Staff Employees.
- D. Approval for Overtime. All overtime must be approved in advance by the first-line administrator. However, a non-exempt employee must be paid for hours worked above 40 hours in a work week even if the overtime was not approved. In this situation, the supervisor may take appropriate action to prevent further violation of this policy. Supervisors must maintain adequate documentation and accurately certify time records.

VI. Special Project Pay

- A. Special Project Pay may be given to an exempt staff employee who is assigned to a special project as a temporary assignment that is expected to accomplish a unique product, process, or service with a defined start and finish date and specific measurable objectives, that, when attained, through the constraints of time, resources, and costs, signifies completion.
- B. Special Project Pay is defined as a pay adjustment value of five percent (5%) or eight percent (8%) depending on the criterion of the project to be deemed either as a medium project level or a large project level.
1. A medium project level is defined as such:
 - a. Will provide significant contributions to the College's objectives
 - b. Is of a moderate level of complexity and risk
 - c. Will provide for the enhancement of an existing product, process, or service
 - d. There will be some external influence on project elements
 - e. The project will have some level of uncertainty and incur minor changes
 - f. Will have standard and new regulatory requirements
 - g. Will have an expected duration of three (3) to 12 months
 - h. Will require a moderate degree of project management oversight
 2. A large project level is defined as such:
 - a. Will provide major significant contributions to the College's objectives
 - b. Is of a high level of complexity and risk
 - c. Will provide a novel product, process, or service, including

- d. innovation
 - d. There will be key project objectives that depend on external factors
 - e. The project will have a high level of uncertainty and will incur major changes
 - f. Will have challenging and potentially new regulatory requirements
 - g. Will have an expected duration of 12 to 24 months
 - h. Will require a minimal degree of project management oversight
- C. A recommendation for a Special Project Pay adjustment will normally be made by the employee's immediate administrative supervisor, to the Chief Human Resources Officer who will review the request. The Chief Human Resources Officer will forward the recommendation to the Senior Vice President for Administrative and Fiscal Services and the Chief Financial Strategy Officer who will make the final decision.
- D. All requests, submitted on a completed Special Project Pay request form, must provide specific justification for each of the criterion as either a medium project level or a large project level, including a project completion timeline.
- E. The Special Project Pay adjustment will end on the earlier of, the expiration of the proposed project completion date, or the completion of the project.
- F. If the anticipated project completion timeline is expected to be extended, a request to extend the Special Project Pay adjustment must be submitted in accordance with the initial approval process at least 30 days prior to the expiration of the original timeline.

VII. Night Shift Differential Pay for Nonexempt Staff Employees

Nonexempt staff employees who are employed to work regularly 20 or more hours per week and who are regularly scheduled to work between the hours of 10:00 p.m. and 6:30 a.m. shall receive a pay differential established by the Board of Trustees for the period of time actually worked between those hours. No night shift differential shall apply for less than one full hour worked.

- A. Supervisors or appropriate administrators shall obtain approval from the Chief Human Resources Officer (or designee) before specific positions are either permanently or temporarily assigned to the night shift. Such approval shall be requested in writing by the first-line administrator and shall identify by position numbers of the positions to be assigned to the night shift. Approval shall be valid for an indefinite period of time in the case of a permanent assignment and for a specified period of time in the case of temporary assignment. In exceptional or emergency circumstances, where it is impossible to obtain prior approval, approval after the fact must be obtained at the first available opportunity.
- B. Supervisors must maintain adequate documentation of all the hours worked for employees approved for night shift differential pay to accurately report hours of work for pay purposes.

VIII. Staff Pay for Work on a Holiday

- A. An employee may be required to work on an official holiday if a determination is made that certain College services must be maintained. The President, the appropriate Senior Vice President, or Vice President/Provost shall determine which College services must be maintained and each unit head concerned shall determine which employees work and which employees do not work on the holiday involved.
 - B. A nonexempt, full-time employee who is required to work on an official holiday shall be paid (in addition to pay for his or her regular holiday leave) at one and one half times his or her regular rate of pay for each hour of work performed on such holiday, or a total of two and one-half times base pay.
 - C. A nonexempt, full-time employee who is required to work on an official holiday falling on a regular day off, the employee shall be paid for such work at one and one-half times his/her regular hourly rate of pay.
- IX. Emergency Personnel Pay (EPP)
- A. An employee may be required to work on a day that the College is officially closed for emergency reasons if a determination is made that certain College services must be maintained. The President, the appropriate Senior Vice President, or Vice President/Provost shall determine which College services must be maintained and each unit head concerned shall determine which employees work and which employees do not work.
 - B. A nonexempt, full-time employee who is required to work when the College is officially closed for emergency reasons shall be paid a total of two and one-half times base pay. However, in no event shall an employee receive premium pay as a result of working on a furlough day.
- X. Salary Adjustments Increment
- A. Upon recommendation of the president and as authorized by the Board of Trustees on a date specific, staff employees may receive an increment if:
 - 1. The employee has achieved regular status by June 30 of the current year; and
 - 2. The employee is not at the maximum of the assigned salary grade; and
 - 3. The employee has completed a performance evaluation that meets specified levels required for any adjustment; and
 - 4. The employee has not been absent for more than half of the evaluation period.
 - B. Upon recommendation of the president and as authorized by the Board of Trustees, staff employees may receive a one time (no increase to base salary) lump sum recognition bonus:
 - 1. Employees receiving performance evaluation ratings at the highest level of the applicable performance rating scale may receive a bonus. Employees at the next highest level may also qualify for a bonus in a lesser amount.
 - 2. The total amount available for recognition bonuses will be recommended by the President and authorized by the Board of Trustees.

C. Administrators

1. Pay for administrators shall be determined by the President.
2. However, an administrator's salary may not exceed the maximum salary of the range of pay to which his or her position is assigned.

XI. Degree Attainment –Staff and Administrators

Subject to fiscal constraints, on or after July 1, 2013, where a staff or administrator earns progressively higher degrees (Associate, Bachelors, Masters, and/or professional or terminal degrees) from an accredited institutions during the course of employment, the employee shall inform HRSTM of such accomplishment and request a degree attainment lump sum payment, which is set at \$1,500. Only two such lump sum payments may be granted during the course of an individual's employment at the College.

XII. Salary Upon Reclassification

- A. Where, through classification action, the position classification or job class to which an employee's position is assigned is reallocated to a lower grade, the incumbent's salary may not be lowered, however additional increases will be subject to the new salary grade. When vacated by the reclassified employee, the grade reverts to the assigned grade for any subsequent incumbent of the position.
- B. Where job classes are reallocated to higher grades as a result of the maintenance of the classification system, the incumbents in that job class may receive a salary increase in accordance with established guidelines. However, an employee's salary may not exceed the maximum salary of the range of the pay grade to which the employee's position is assigned.
- C. The reclassification of a position to a higher or lower grade is not considered a promotion or demotion pursuant to College Policy and Procedure 34001-Changes in Employee Status.

XIII. Longevity Award – Administrators and Staff

A. Eligibility

An Administrator or Staff employee with consecutive satisfactory performance who has been at the top of their salary grade for five consecutive years shall be eligible to receive a one-time longevity award to be paid as a one-time lump sum payment. "Satisfactory performance" shall mean performance has met the criteria for the granting of a merit increment.

B. Procedures

Provided an employee meets the eligibility criteria, such payment shall be made in the next full pay cycle.

C. Amount

The award shall be paid as a one-time lump sum payment be in the amount of \$1,560. This one-time lump sum payment shall be pro-rated for part-time employees based on the percentage of time worked relative to a full-time schedule.

XIV. Salary on Promotions

A. Administrators

Pay increases for administrators promoted to a position at higher pay grade are determined by the President, upon review of recommendations from the Chief Human Resources Officer, or designee.

B. Staff

An employee who is promoted to a higher level position within the College may receive an increase in pay in accordance with established guidelines as set forth in College Policy and Procedure 34001-Changes in Employee Status.

XV. Salary on Demotion

A. An employee who is demoted to a lower level position within the College may receive a decrease in pay in accordance with established guidelines as set forth in College Policy and Procedure 34001-Changes in Employee Status

B. An employee who is demoted for cause or unsatisfactory performance may have their salary reduced in accordance with established guidelines as set forth in College Policy and Procedures 34001- Changes in Employee Status.

XVI. Temporary Salary Adjustment

A. A temporary salary adjustment may be given to an administrator or staff employee who temporarily assumes higher level duties and responsibilities for a period of at least 30 days. The appropriate senior vice president or designee is responsible for determining the need for temporarily assigning higher level duties to their respective area administrators. The Chief Human Resources Officer or designee is responsible for reviewing and approving requests for temporary salary adjustments for staff.

B. Temporary assignments should normally be for a period of at least thirty (30) days but no more than one year.

C. If a temporary assignment continues for six (6) months, the individual who recommended the assignment and his/her supervisor shall review the need for the assignment and inform the Chief Human Resources Officer or designee and applicable Senior Vice President as to whether the assignment should continue. If the assignment continues, a similar review shall be conducted before a year is concluded, at which time a decision shall be made

1. to end the assignment;
2. to establish a date to begin recruitment for the vacant position;
3. to extend the assignment for a limited, fixed period of time; or
4. to reassign the individual to the vacant position on a regular basis as

provided below.

This decision shall be made by the President for administrators and by the Chief Human Resources Officer or designee for staff.

- D. Selection of employees to serve as acting or on an interim basis should be based on the broadest possible internal pool to facilitate the maximum opportunity for those seeking professional development opportunities to be considered. Employees who are temporarily assigned to a vacant position are categorized as "interim." Employees who are temporarily assigned to a filled position where the incumbent is on leave or temporarily performing the duties and responsibilities of another position are categorized as "acting."
- E. If an employee has been satisfactorily performing the duties assigned to a vacant position for at least one year, meets the minimum requirements for the job class, and a recruitment effort has not been initiated, the President (for Administrators) or the Chief Human Resources Officer (for Staff) may assign the employee to the vacant position. If an employee is assigned to a position pursuant to this section, the temporary salary adjustment shall become their regular base salary.
- F. A temporary salary adjustment will not be granted for assuming additional duties and responsibilities normally performed by a position at the same or a lesser pay grade.
- G. A recommendation for a temporary salary adjustment to assume higher level duties and responsibilities will normally be made by the employee's immediate supervisor to the Chief Human Resources Officer (or designee) who will review the request. For administrators, the Chief Human Resources Officer will make a recommendation to the president, who will make the final decision. For staff, Chief Human Resources Officer (or designee) will make the final decision.

XVII. Salary Reductions Related to Insufficient Funds

Financial emergencies occasioned by insufficient funds may result in budget reductions in salaries as determined appropriate by the president. In such cases, the president will notify administrators and staff in writing, as promptly as possible regarding the first day the reductions are to take effect, the amount of the reductions, and the necessity for such action.

XVIII. Furlough Days

In the event of a budget or funding shortfall or other fiscal constraints, the President may determine unpaid hours off ("furloughs") are appropriate. In such cases, the President or his/her designee will notify administrators and staff, and, where applicable as a result of collective bargaining, bargaining unit employees in writing at least thirty (30) days prior to the implementation of furlough days. The President or his/her designee shall also inform affected employees of the current number of furlough days designated in the fiscal year and whether such furlough days shall be "fixed" or "individually designated" or a combination thereof. Fixed furloughs are designated as unpaid hours occurring for all employees on the same day which results in operations being suspended at the College. Individually designated furloughs are a designated number of unpaid hours not fixed on a particular day. The President or his/her designee shall also inform employees as to the lawful method of pay reduction associated with the furlough days, including whether the

salary loss will be mitigated by instituting a temporary salary reduction.

XIX. Benefits

A. Educational Assistance Program

1. Purpose

The purpose of the Educational Assistance Program (EAP) is to assist all eligible College employees with educational expenses:

- a. To help them perform more effectively in their current job classifications by improving their knowledge and skills.
- b. To help them to prepare for higher level responsibilities by virtue of enhanced capabilities. Eligible endeavors are knowledge or skill-related formal courses of study or short-term training programs, including self-study and testing fees, that are: job related; or required in a job-related degree program; or prepare the employee for a higher level position; or allow the employee to change careers at the College.

2. Eligibility

- a. An eligible employee is any full-time faculty member or administrative, associate, or support staff employee who is working full time (or part-time staff working at least 20 hours per week) and who has completed six months of employment with the College. Temporary staff (with benefits) and full-time, academic year faculty are eligible after completing six months of employment. Part-time staff are eligible on a pro-rated basis (i.e. 1/2 time - 1/2 benefit) after completing six (6) months employment. Short-term temporary employees and part-time faculty are not eligible.
- b. Eligible endeavors are knowledge or skill-related formal course of study or short-term training programs offered either for credit or not for credit that are job related, or that are required in a job-related degree program, or that prepare the employee for a higher level position, or allow the employee to change careers at the College.
- c. An acceptable educational institution is a public or private secondary, vocational, trade, or business school; or a public or private college, university, professional school, or technical institution. It is expected that the educational institution is accredited or recognized by some agency or governing body from within its general functional area or frame of reference. Professional associations may be agencies of recognition and/or providers of the workshops.
- d. Educational expenses are:

- (1) the costs for tuition, fees, books and materials required for the eligible study approved through EAP;
 - (2) expenses related to certification or licensure where required by job responsibilities or mandated by the State are also eligible for reimbursement through the EAP procedures;
 - (3) consolidated fees for courses taken under the tuition waiver plan may be covered when courses meet EAP guidelines;
 - (4) art, hobby and recreational courses are not eligible for EAP coverage;
 - (5) EAP funds may be used for approved wellness activities. Eligible expenses for approved wellness activities will be defined as those classes offered through the wellness program and monthly membership fee to a monthly, multi-faceted, off-site fitness facility not to exceed thirty-five dollars (\$35.00) per month;
 - (6) Eligible expenses may also include no more than two (2) individual memberships, in a professional organization. Professional is defined as relating to the profession.
 - e. Satisfactory completion is obtaining any certificate, grade or designation other than failure according to the standards established by the institution or organization attended. Withdrawing from a course is not considered satisfactory completion. In cases of individual memberships an invoice or receipt from the professional organization must be submitted.
 - f. Courses, seminars, memberships, tests, and conference expenses taken during the first six (6) months of employment are not eligible for reimbursement.
3. Financial Benefit
- a. The maximum financial benefit for non-bargaining employees to defray educational tuition, fees, and/or books for eligible study, individual memberships and College sponsored wellness programs is established each fiscal year. The financial benefit for part-time regular associate and support staff working at least 20 hours per week is pro-rated. The maximum financial benefit for bargaining unit employees is established in the collective bargaining agreements.
 - b. EAP Funds are budgeted by the Vice President of Human Resources, Development and Engagement.
 - c. The College may coordinate approval of EAP benefits with other educational benefits. In such cases, the College reserves the right to deny EAP funds when there appears to be duplication of benefits.
 - d. The costs associated with this benefit for study during regular summer school sessions will be charged to the budget of the

fiscal year in which such summer school session ends.

4. Application Procedures

- a. To apply for EAP benefits, an eligible employee completes the appropriate [EAP request form](#) and submits the completed form to the Vice President of Human Resources, Development, and Engagement (or designee) through normal administrative channels. The Vice President of Human Resources, Development, and Engagement (or designee) shall approve or disapprove the request. If the request is disapproved, the applicant will be notified of the reason(s):
 - (1) The employee shall submit the completed forms to his or her supervisor who shall review the application for data accuracy, make a recommendation regarding approval of the selected study and forward the application to the Vice President of Human Resources, Development, and Engagement (or designee).
 - (2) The Vice President of Human Resources, Development, and Engagement (or designee) shall review the application for proper procedure and give approval of the selected study within the established guidelines.
- b. After complete processing and approval, the copies of the application form are distributed by the Office of Human Resources to the employee.
 - (1) When an application for EAP involves study during normal work hours, an agreement detailing how the employee is to make up the lost time must be attached to the application. This agreement must be signed by the employee and his or her supervisor. Approval should be granted only in instances where the absence of the employee will not result in any interruption of normal services of the office or department concerned and where the study desired is not generally available outside of the regular working hours. When leave for professional meetings is applicable, approval of the EAP request also means approval of the professional meeting leave.
 - (2) Upon completion of processing and/or approval an employee may receive the benefit by submitting an original invoice from the institution providing the training or a paid receipt for the course and/or books. Receipt of funds under EAP may be subject to withholding of taxes as a part of the individual employee's gross income.
 - (3) In the event the educational institution selected is not willing to bill the College, the employee will receive this benefit by reimbursement. The employee is responsible

for submitting invoices to the Office of Human Resources, Development, and Engagement in a timely manner (preferably within 15 days after receipt).

- (4) The application should be received by the Office of Human Resources, Development, and Engagement in time to allow adequate processing time prior to registration (preferably 15 days prior to registration). An employee should submit the application in time to allow his or her supervisor sufficient time to meet this deadline.

5. Reimbursement and Reporting Procedures

- a. Payment must be requested by submitting an original invoice or paid receipt with a copy of the approved request to the Office of Human Resources, Development, and Engagement. After approval by the Office of Human Resources, Development, and Engagement the invoice or original receipt is sent with a copy of the original request to the Finance Office for processing and reimbursement to the employee or payment to the institution. Since Montgomery College is a tax exempt institution, tax is not reimbursable.
- b. To be eligible for continued financial benefits under EAP, the employee must have a record of satisfactory completion of study for which he/she has received EAP benefits.
- c. Employees who do not satisfactorily complete study for which EAP benefits have been received must reimburse the College for all monies that the College has expended in relation to that specific study that was not satisfactorily completed.

6. Accountability for EAP

The Vice President of Human Resources, Development, and Engagement (or designee) is responsible to administer the EAP. Appeals from decisions of the Vice President of Human Resources, Development, and Engagement (or designee) regarding rejections of EAP coverage for a specific course may be made to the Vice President of Human Resources, Development, and Engagement within five (5) days of the date of the decision.

B. Educational Assistance – Reimbursement of Certain Expenses Related to Reimbursement of Travel-Related Expenses for Professional Development

1. Full-Time Faculty

a. Purpose

The purpose of the Education Assistance Reimbursement of Certain Expenses Related to Travel for Professional Development is to foster full-time faculty professional

development opportunities through reimbursement of travel expenses for approved professional development conferences in the faculty member's discipline.

b. Eligibility

- (1) An eligible employee is any full-time faculty member who has completed six months of employment with the College.
- (2) Expenses eligible for reimbursement include reasonable expenses related to travel for approved professional development conferences in the faculty member's discipline. Reasonable expenses include those expenses eligible for reimbursement per Montgomery College Policy & Procedure 65001, Reimbursement for Travel & Related Expenses.

c. Financial Benefit

The maximum financial benefit for full-time faculty is established in the collective bargaining agreement.

d. Application Procedures

- (1) Prior to Travel: To apply for reimbursement of travel, the full-time faculty member completes the appropriate EAP travel reimbursement request form prior to travel and attendance at the conference and forwards to the Dean. The Dean shall review and approve requests meeting the eligibility standards defined above. The Dean shall forward approved requests to the Office of Human Resources, Development, and Engagement. The Office of Human Resources, Development, and Engagement will reserve funds in accordance with the collective bargaining agreement. In the event no additional funds are available, the Office of Human Resources, Development, and Engagement will promptly notify the Dean and full-time faculty member.
- (2) Post Travel: Within thirty (30) days of attendance at the conference, the full-time faculty member will submit the appropriate reimbursement form and supporting documentation to the Office of Human Resources, Development, and Engagement. Supporting documentation is that documentation required by 65001CP, Reimbursement for Travel & Related Expenses.

1. Administrators, Associate & Support Staff, and Temporary with Benefits Staff

a. Purpose

The purpose of the Education Assistance Reimbursement of Certain Expenses Related to Travel for Professional Development is to foster professional development opportunities through reimbursement of travel expenses for approved professional development conferences or seminars that otherwise qualify for reimbursement under the Educational Assistance Program.

b. Eligibility

- (1) An eligible employee is any administrator, non-bargaining support or associate staff working at least 20 hours per week, or temporary with benefits staff member who has completed six months of employment with the College.
- (2) Expenses eligible for reimbursement include reasonable expenses related to travel for approved professional development conferences or seminars that otherwise qualify for reimbursement under the Educational Assistance Program (see above). Reasonable expenses include those expenses eligible for reimbursement per Montgomery College Policy & Procedure 65001, Reimbursement for Travel & Related Expenses.

c. Financial Benefit

The maximum financial benefit is established by the Senior Vice President for Administrative and Fiscal Services each year.

d. Application Procedures

- (1) Prior to Travel: To apply for reimbursement of travel, the eligible employee completes the appropriate EAP travel reimbursement request form prior to travel and attendance at the conference and forwards to the supervisor. The supervisor shall review and approve requests meeting the eligibility standards defined above. The supervisor shall forward requests to the Office of Human Resources, Development, and Engagement. The Office of Human Resources, Development, and Engagement will review the requests to determine eligibility. Where approved, the Office of Human Resources, Development, and Engagement will reserve funds in accordance with the established benefit. In the event no additional funds are available, the Office of Human Resources, Development, and Engagement will promptly notify the supervisor and the employee.
- (2) Post Travel: Within thirty (30) days of attendance at the conference, the employee will submit the appropriate

reimbursement form and supporting documentation to the Office of Human Resources, Development, and Engagement. Supporting documentation is that documentation required by 65001CP, Reimbursement for Travel & Related Expenses.

C. Part-Time Faculty Professional Development Assistance Program

1. Purpose

The purpose of the Part-Time Faculty Professional Development Assistance Program is to foster part-time faculty professional development opportunities relevant to the part-faculty member's discipline or teaching responsibilities and allow part-time faculty, where eligible, to enroll in Montgomery College credit courses.

2. Eligibility

- a. An eligible employee is any part-time faculty member who has taught nine ESH in the previous two academic years.
- b. Eligible expenses include reasonable costs associated with pre-approved professional development activities relevant to the faculty member's discipline or teaching responsibilities, including reimbursement of travel related expenses for approved professional development activities. Funds may also be used for Montgomery College credit course tuition when requested in advance to the appropriate dean.

3. Financial Benefit

The maximum financial benefit for part-time faculty is established in the collective bargaining agreement.

4. Application Procedures

- a. To apply for use of these funds for reasonable costs associated with professional development activities relevant to the faculty member's discipline or teaching responsibilities, the part-time faculty member must complete the appropriate request form and forward to the Dean. The Dean shall review and approve requests meeting the eligibility standards defined above. The dean shall forward approved requests to the Office of Human Resources, Development, and Engagement. The Office of Human Resources, Development, and Engagement will process requests in accordance with the collective bargaining agreement. In the event no additional funds are available, the Office of Human Resources, Development, and Engagement will promptly notify the Dean and part-time faculty member. In the event the part-time faculty member requests reimbursement of expenses related to travel, required supporting documentation is that documentation required by 65001CP, Reimbursement for Travel & Related Expenses.

- b. To apply for use of these funds for Montgomery College credit course tuition, the part-time faculty member must complete the appropriate request form and forward to the Dean in advance of the start of the course. The Dean shall approve and forward to the Office of Human Resources. The Office of Human Resources, Development, and Engagement shall approve requests in accordance with the collective bargaining agreement and tuition shall be automatically applied to the student's account.
- c. The part-time faculty must show satisfactory completion of the course. Failure to satisfactorily complete the course will result in no tuition waiver to repeat the course.

D. Tuition Waiver Plan

1. Purpose

The purpose of the Tuition Waiver Plan is to allow eligible College employees to enroll in credit courses at Montgomery College. Noncredit Continuing Education courses are excluded from tuition waiver coverage for employees but may be covered in accordance with EAP regulations, as appropriate. Fees for courses taken at Montgomery College under the Tuition Waiver Plan that meet EAP regulations may also be covered under the Educational Assistance Program.

2. Eligibility

- a. Eligible personnel are all full-time regular College employees with benefits, temporary employees with benefits, and part-time staff with benefits.
- b. Eligible study is any credit course taken for credit at Montgomery College and that is scheduled outside of the individual's normal working hours.

3. Application Procedures

To apply for Tuition Waiver Plan benefits, an eligible employee completes an online Application for Tuition Waiver and submits the completed form.

4. Accountability and Appeal

The Vice President of Human Resources, Development, and Engagement (or designee) is responsible for administering the Tuition Waiver Plan. Appeals from decisions of the Vice President of Human Resources, Development, and Engagement (or designee) may be made to the Vice President of Human Resources, Development, and Engagement within five days of the date of the decision.

E. Tuition Waiver Plan for Dependents/Spouses**1. Purpose**

The purpose of the Tuition Waiver Plan for Dependents/Spouses is to allow the dependents/spouses of eligible College employees to enroll in credit courses at Montgomery College.

2. Eligibility

- a. Eligible personnel are full-time regular faculty and staff with benefits and part-time staff with benefits.
- b. Eligible study is any credit course taken for credit at Montgomery College.
- c. Dependent/spouse is defined as a lawful spouse, domestic partner meeting the eligibility requirements for group insurance, or any unmarried child (natural, step, or legally adopted) of an eligible employee who is less than 26 years old.
- d. Active status on the last day of the third week of scheduled classes.

3. Application Procedures

The dependent must register for classes prior to completing the applicant Tuition Waiver Plan benefits.

- a. To apply for Tuition Waiver Plan benefits, an eligible employee and the dependent/spouse must complete an online Application for Tuition Waiver for Dependent/Spouse. Proof of eligibility status will be required by the Vice President of Human Resources, Development, and Engagement (or designee).
- b. The online process will require the first line supervisor to electronically approve a request for Tuition Waiver benefits. This approval will be forwarded to the Office of Human Resources, Development, and Engagement for action.
- c. On approval, the tuition will be automatically applied to the student's account. Tuition will be waived only if there will be no reimbursement of tuition. Fees are not waived.
- d. The spouse or dependent must show satisfactory completion of the course. Failure to satisfactorily complete the course will result in no tuition waiver to repeat the course.

4. Accountability and Appeal

The Vice President of Human Resources, Development, and Engagement (or designee) is responsible for administering of the Tuition Waiver Plan. Appeals from decisions of the Vice President of Human

Resources, Development, and Engagement (or designee) may be made to the Vice President of Human Resources, Development, and Engagement within five (5) days of the date of the decision.

F. Group Insurance Plan

1. Eligibility

All persons employed by the College who work at least 20 hours a week and who occupy regular positions on a continuing basis or temporary positions with benefits are eligible to participate in the College Group Insurance Plan. All questions concerning this insurance plan should be referred to the Office of Human Resources, Development, and Engagement.

The Office of Human Resources, Development, and Engagement also maintains detailed information regarding group insurance, an Employee Handbook, and insurance forms on its Web site.

2. Enrollment Procedures

The Office of Human Resources, Development, and Engagement will explain the Group Insurance Plan to all eligible persons employed by the College and provide each individual with copies of benefit plan brochures. Each eligible person will select the level and type of insurance coverage they desire by completing a Group Insurance Enrollment Form. Enrollment must be completed during the first 31 days of employment, otherwise enrollment can only occur during an open enrollment season and evidence of insurability satisfactory to the insurance company may be required for certain coverage. Coverage becomes effective (except for long-term disability insurance which has a 6-month waiting period) on the first of the month following enrollment.

3. Benefits for Persons on Leave, for Retirees, and for Persons Who Terminate

- a. All coverage for which an individual is enrolled may remain in effect during periods of authorized leave. See the individual paragraphs pertaining to each leave category for details relating to payments for benefits during periods of authorized leave.
- b. Certain portions of the College group insurance program continue in effect for retirees provided they have been a participant in the College insurance program or another employer group insurance program for five (5) years immediately preceding retirement and commence receipt of pension/annuity benefits from a Maryland State Retirement System Plan or a State Optional Retirement Plan immediately upon termination from the College. To be eligible for insurance continuation, State Optional Retirement Plan annuitants must meet the same age/service retirement eligibility requirements as required of State Pension System participants. Retiree benefits may include a reduced amount of life insurance and basic health, vision, and

dental insurance. The Office of Human Resources, Development, and Engagement should be contacted for details of the continued coverage.

- c. Upon termination of employment with the College, an individual who is enrolled in the group life insurance plan may convert certain portions of the College group insurance to individual coverage with the College insurance carrier. A temporary extension for up to 36 months of group medical and dental coverage may also be available upon termination in accordance with COBRA. Specific information concerning these rights can be obtained from the Office of Human Resources, Development, and Engagement.

G. Retirement Benefits

Full-time or part-time employees who occupy regular budgeted positions and temporary employees with benefits who work a minimum of 500 normal hours in any fiscal year are required to participate in a retirement plan offered by the Maryland State Retirement Agency.

H. Optional Retirement Programs Benefits Programs

Information regarding other optional retirement programs offered by the College is available in the Office of Human Resources, Development, and Engagement and on the Office of Human Resources, Development, and Engagement Website.

Presidential Approval: September 21, 1987; May 23, 1988; November 29, 1988; January 31, 1989, effective July 1, 1989; April 17, 1990 (effective July 1, 1990); September 27, 1990; June 12, 1991; July 30, 1991; January 26, 1993; December 7, 1993; December 13, 1993; June 14, 1995; October 21, 1996; March 9, 1999; May 18, 1999; October 23, 2000; July 26, 2007; November 1, 2007; September 3, 2010; October 18, 2011; December 20, 2012; June 24, 2013; July 1, 2021.

Chapter: Personnel

Modification No. 002

Subject: **Faculty/Staff Assistance Program**

- I. The Board of Trustees recognizes that a wide range of personal problems not directly associated with one's role at the College may affect on-the-job performance of faculty and staff, and that the problems may be behavioral/medical in nature or involve alcohol/substance abuse, marital, family, financial, legal, or other problems of a personal nature.
- II. In providing a referral program for employees to seek solutions to these problems, the Board believes that it is acting in the best interest of the College as a whole; employees benefit from the resolution of such personal problems, and the institution and its students benefit from healthy and productive employees.
- III. In recognition of the benefits of such a program, the Board of Trustees authorizes the President to establish a Montgomery College Faculty/Staff Assistance Program and procedures which will provide short-term counseling and referral services to eligible College employees.
- IV. Eligible employees for purposes of the Montgomery College Faculty/Staff Assistance Program will be all regular College personnel who work at least 20 hours per week, temporary employees with benefits, the immediate families of such personnel, and retirees for a period of one year from the effective date of retirement.
- V. All records relating to individuals who utilize the program will be maintained in strictest confidence in accordance with medical, legal, and ethical standards.
- VI. The President is authorized to establish procedures to implement this policy.

Board Approval: October 19, 1987; May 18, 2009.

Chapter: Personnel

Modification No. 002Subject: **Faculty/Staff Assistance Program**

I. General

Montgomery College is interested in promoting the well-being of its employees and in providing its employees with an opportunity to secure assistance in resolving personal problems that may affect on-the-job performance. These problems may be behavioral/medical or involve alcohol/substance abuse, marital, family, financial, legal, or other problems of a personal nature. To provide assistance to these employees, the College has established the Faculty/Staff Assistance Program.

II. Responsibilities of the College

- A. Details of the services available through the F/SAP will be distributed throughout the College community.
- B. No employee will have his/her job security or promotional opportunities jeopardized as a result of participation in the F/SAP.
- C. Implementation of this policy will not require or result in any special regulation, privileges, or exemptions from the standard administrative policies applicable to job performance requirements. Performance problems will be handled according to established administrative procedures. Nothing in this program prohibits formal disciplinary or adverse action, including removal from employment where performance is deficient.
- D. The College maintains an attitude of assistance toward personal problems of employees which may affect job performance but recognizes that their successful resolution requires the employee's personal motivation and cooperation.
- E. Annual leave, sick leave or personal leave may be used by employees if the services of the F/SAP are used during normal working hours.
- F. Employees referred by their supervisor will not be charged leave for the initial F/SAP counseling session.

III. Responsibilities of the Employee

- A. Employees are expected to take appropriate action to correct job performance problems.
- B. Employees are encouraged to seek evaluation and accept treatment for any problem that negatively impacts job performance.
- C. The decision to participate in the F/SAP and accept suggested referral for assistance is the responsibility of the employee.
- D. Services may be requested by any employee, or eligible dependent, through a direct confidential contact with the F/SAP counselor.

IV. Responsibilities of the Supervisor

- A. A supervisor may suggest to an employee that he or she contact the F/SAP counselor, based upon objective concerns with job performance.
- B. A supervisor may not require an employee to seek the services of an F/SAP counselor unless a mandatory referral is made through the Office of Human Resources, Development, and Engagement, see Section VI.
- C. A supervisor should assist an employee in making contact with the F/SAP counselor if so requested by the employee.
- D. A supervisor may contact an F/SAP counselor for guidance concerning discussion of the use of the F/SAP with an employee.
- E. A supervisor will grant leave for participation in the F/SAP program according to applicable regulations.
- F. A supervisor will maintain confidentiality regarding an employee's problem(s), referral and use of the F/SAP.

V. Confidentiality

- A. F/SAP records will be maintained in strictest confidence in accordance with medical, legal and ethical standards.
- B. The official employee personnel folder will not reflect an employee's participation in the F/SAP without the permission of the employee.
- C. An employee using the services of the F/SAP is not required to inform anyone concerning the content of his or her discussions with an F/SAP counselor.
- D. The F/SAP counselor will not provide the name of any employee using the service or the specifics of any issue discussed with an employee without the written release of the employee.

VI. Mandatory Referral

Any employee who displays a tendency to engage in violent or threatening behavior, or who otherwise engages in behavior that the Office of Human Resources, Development, and Engagement deems harassing, may be required to report to the FSAP provider by mandatory referral for assessment and referral for appropriate treatment or other services and subject to disciplinary action, up to and including dismissal.

- A. A mandatory referral may be used only when the employee is facing imminent suspension or dismissal. A mandatory referral may only be made by the Office of Employee Engagement & Labor Relations after consultation with the supervisor. If the employee chooses not to participate in the FSAP program, disciplinary proceedings may be initiated. If the employee does choose to participate in FSAP, the employee will be required to sign a written statement, agreeing to an immediate referral to FSAP. Further, the employee will agree to sign a release of information statement allowing the Office of Employee Engagement & Labor Relations access to information about the employee's attendance, cooperation,

and progress as specified by the FSAP provider, after the assessment has been made. If the employee does not cooperate with the recommendations of FSAP, then disciplinary proceedings shall begin.

Administrative Approval: March 1, 1988; October 1, 2012.

Chapter: Personnel

Modification No. 001Subject: **Leave Program**

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- I. It is the policy of the Board of Trustees that all eligible administrative, associate, and support staff employees be granted - upon appropriate approval - two general types of leave: Leave with pay and leave without pay. Leave with pay is paid leave granted to eligible employees for a variety of personal and professional purposes. Leave without pay is a privilege that may be granted to an employee at the discretion of the President or his designated representative.
 - II. The following leaves with pay for eligible administrative, associate, and support staff are authorized by the Board of Trustees:
 - A. Sick Leave
 - B. Annual Leave
 - C. Holiday Leave
 - D. Personal Leave
 - E. Leave for Professional Meetings
 - F. Bereavement Leave
 - G. Court Attendance Leave
 - H. Military Leave
 - I. Administrative Leave
 - J. Professional Development Leave
 - K. Self-Improvement Leave
 - L. Extended Administrative Leave
 - M. Disability Leave
 - N. Other Long-term Leave
 - III. The following leaves without pay for administrative, associate, and support staff are authorized by the Board of Trustees:
 - A. Illness in the Family
 - B. Parental
 - C. Extended Military Service
 - D. Travel
 - E. Family Obligations
 - F. Self-improvement
 - G. Disability
 - H. Any other reason which is in the best interest of both the College and the employee.
 - IV. Leaves for administrative staff are approved or disapproved by the President or by the President's designee. When an administrator is on leave at any time, another staff member is to be designated, in writing, as the acting administrator. The designation will be made by the individual who expects to be absent. A copy of the written designation of authority will be forwarded to the immediate supervisor of the individual making the designation.
 - V. The President is authorized to establish criteria and procedures for all categories of leave with pay and leave without pay and to establish procedures to implement this policy.

Board Approval: September 21, 1987.

Chapter: Personnel

Modification No. 016Subject: **Leave Program**

I. Leave with Pay for Non-Bargaining Administrators and Staff**A. Sick and Safe Leave**

Sick and safe leave is a designated amount of compensated leave that may be granted to eligible administrators and staff who through personal illness, temporary disability, injury, or quarantine are unable to perform the duties of their positions. Sick and safe leave may also be used when an employee requires leave from work when there has been domestic violence, sexual assault, or stalking against the employee or an eligible member of the employee's family for receipt of medical or mental health attention, receipt of services from a victim services organization, participation in legal services or proceedings, or for a temporary relocation. Sick and safe leave may also include other excused absences such as those for medical, dental, or optical examination or treatment impossible to schedule on non-duty days. In addition, sick and safe leave may be used for illness in the immediate family if the employee's attendance is required (see below). Sick and safe leave may not be granted for the duration of any disability when monies are paid to the employee under the Workers' Compensation laws.

1. Eligibility

Each employee who regularly works 12 hours per week or more shall earn sick and safe leave.

2. Entitlement

Sick and safe leave shall be earned and computed bi-weekly on the basis of hours actually worked in a work week during the work year.

- a. Each regular full-time (40 hours per week) employee and full-time temporary with benefits employee shall accrue sick and safe leave at the rate of 3.69 hours per pay period.
- b. Regular Part-Time and Temporary Employees with Benefits who work less than 40 hours per week but no less than 20 hours per week shall earn sick leave in the proportion that their work week is to a 40-hour work week.
- c. All other eligible employees shall accrue sick and safe leave at the rate of 1 hour per 30 hours worked¹.

3. Reasons for Sick and Safe Leave Use

- a. Sick and safe leave may be used:

¹ Effective February 11, 2018

- 1) To care for or treat the employee's mental or physical illness, injury or condition;
- 2) To obtain preventative medical care for the employee or the employee's family member;
- 3) To care for a family member with a mental or physical illness, injury or condition;
- 4) For maternity or paternity leave; or
- 5) If the absence from work is necessary in order to receive medical or mental health attention, services from a victim services organization, legal services (or participate in legal proceedings), or during the time the employee has temporarily located for the reasons of domestic violence, sexual assault, or stalking committed against the employee or the employee's family member.

b. Family member includes:

- 1) A child (biological, adopted, foster, or step) of the employee;
- 2) A child for whom the employee has legal or physical custody or guardianship or for whom the employee stands in loco parentis regardless of the child's age;
- 3) A parent (biological, adoptive, foster, step, or individual who acted or stood in loco parentis) of the employee or employee's spouse;
- 4) A legal ward of the employee or the employee's spouse;
- 5) The legal guardian of the employee or employee's spouse;
- 6) The spouse of an employee;
- 7) Sibling (biological, adopted, foster, or step) of the employee;
- 8) Grandparent (biological, adopted, foster, or step) of the employee; or
- 9) Grandchild (biological, adopted, foster, or step) of the employee.

4. Use of Sick and Safe Leave

- a. A request for sick and safe leave, when the need for such leave is foreseeable (i.e. surgery, medical appointments), should be initiated by the employee prior to the desired leave period. The employee shall apply in writing through appropriate supervisory channels to the supervising administrator (or designee) of the employee.
- b. When the need for sick and safe leave is not foreseeable, the employee is responsible for providing notice to the employee's supervisor as soon as practicable. Unless physically impossible, this reporting should be accomplished before or during the working hours of the first day of such sick and safe leave.

- c. Sick and safe leave may be used only after it has been earned and credited to the employee's account. See Advancement of Sick and Safe Leave for exception to this provision.
- d. Leave Accrual
 - 1) For Regular Full-Time (40 hours a week), Regular Part-Time (less than 40 hours a week but no less than 20 hour a week), and Temporary Employees with Benefits unused sick and safe leave may be accumulated and carried forward year to year.
 - 2) All other eligible employees may earn up to 40 hours of sick and safe leave in a year, use up to 64 hours of sick and safe leave in a year, and accrue up to 64 hours of sick and safe leave at any time. These employees may carry over up to 40 hours of sick and safe leave year to year. An employee will not accrue sick and safe leave during a pay period in which the employee worked fewer than 24 hours.
- e. Use of Sick and Safe Leave While on Annual Leave. When an employee becomes ill or disabled while on annual leave, the employee may use accumulated sick and safe leave provided the supervisor is notified as soon as possible and the employee submits to the Office of Human Resources satisfactory evidence confirming the illness or disability.
- f. Transfer of Accumulated Sick and Safe Leave. An employee who transfers from one College position to another (staff, administrator or faculty) shall retain the accumulated sick and safe leave balance or any indebtedness for advanced sick and safe leave which may have incurred.
- g. Verification of Sick and Safe Leave Use. Each supervisor is responsible for reviewing the use of sick and safe leave by each employee under his or her supervision. If an employee uses sick or safe leave for more than three consecutive scheduled days and/or times, the supervisor may contact the Chief Human Resources Officer, or designee, who may request written verification of the employee's sick and safe leave. The College may deny a subsequent leave request made by an employee who does not provide verification if the subsequent leave request is for the same reason as the leave for which the employee did not provide verification.
- h. If an employee's use of sick and safe leave appears excessive or questionable, the supervisor shall contact the Chief Human Resources Officer, or designee, who may discuss the employee's sick and safe leave use with the employee.
- i. Denial of Sick and Safe Leave. A request to take sick and safe leave may be denied if an employee fails to provide notice

pursuant to a. and b. above and if the employee's absence will cause a disruption.

- j. Employees are prohibited from improperly using earned sick and safe leave and may not abuse sick and safe leave. .

5. Advancement of Sick and Safe Leave

- a. Regular full-time, part-time, and temporary with benefits employees are eligible for advancement of sick and safe leave. Upon recommendation of the employee's supervisor, an advancement to an employee of unearned sick and safe leave with pay not to exceed the amount to be earned during the next succeeding twelve (12) months may be approved by the Chief Human Resources Officer or designee.
- b. As a condition for the advancement of sick and safe leave, the employee shall agree in writing that, if the employee's employment with the College terminates before the employee has accrued the amount of sick and safe leave that was used, the College is authorized to deduct the amount paid for advanced sick and safe leave from the employee's final paycheck.
- c. In the event the employee's final pay is insufficient to cover such indebtedness, the employee shall be billed for the remaining balance of such indebtedness and shall make arrangements for payment satisfactory to the College. If, because of long-term disability or death, the indebtedness cannot be eliminated, it shall be written off.

6. Disposition of Accumulated Sick and Safe Leave at Termination of Employment

- a. All employees initially hired after January 1, 1993, are not entitled to compensation for unused sick and safe leave.
- b. An regular or temporary with benefits employee hired prior to January 1, 1993, who resigns from the service of the College after completion of at least five consecutive years of service immediately preceding such separation shall be paid for twenty-five percent (25%) of not more than one hundred eighty (180) days of unused sick and safe leave computed on the basis of salary at termination; except that staff members who, as of June 30, 1987, have accumulated in excess of one hundred eighty (180) days of unused sick and safe leave, shall be paid at the time of termination for twenty-five percent (25%) of the unused sick and safe leave accumulated by such staff member as of June 30, 1987 or the date of termination, whichever is less. An employee who is dismissed from employment with the College is not entitled to this lump sum payment.
- c. Earned but unused sick and safe leave will be reinstated for

employees who leave the College and are not paid out earned but unused sick and safe leave if the employee is rehired within thirty-seven (37) weeks after leaving employment.

7. Employees who exhaust their accrued sick and safe leave may be eligible for 12 weeks of Family and Medical Leave if the employee has worked for the College at least 12 months and for 1,250 hours over the previous 12 months.
8. Record Keeping. The College must keep for at least three (3) years records of earned sick and safe leave accrued by each employee and earned sick and safe leave used by each employee.
9. The College is prohibited from taking adverse action against an employee who exercises a right to take sick and safe leave and employees are prohibited from making a complaint or bringing an action in bad faith.

B. Annual Leave

1. Eligibility

Each administrative, associate, and support staff employee who is assigned to a regular position or a temporary-with-benefits position and who works a regularly scheduled 20 hours per week or more shall earn annual leave.

2. Entitlement

Eligible employees shall be granted paid annual leave which shall accrue throughout each year as it is earned. Annual leave is earned and computed bi-weekly on the basis of assigned work week and work year.

- a. Employees with less than three years of service with the College and whose assignment is a 40-hour work week, earn annual leave at the rate of 4.61 hours per pay period worked. Each employee with three or more years but less than 15 years of College service shall earn annual leave at the rate of 6.15 hours per pay period worked. Each employee with 15 or more years of College service shall earn annual leave at the rate of 8 hours per pay period worked.
 - b. Employees whose assignment is less than 40 hours, but no less than 20 hours per week, shall earn annual leave in the proportion that their work week is to a 40 hour work week.
 - c. Changes in entitlement are effected on the first day of the first pay period following completion of the prescribed years of service as computed from the adjusted date of employment (ADE).
3. Disposition of Accumulated Annual Leave upon Termination of Employment

- a. Effective January 1, 1997, an employee who leaves the service of the College prior to the completion of 30 calendar days of employment shall not be eligible to receive payment for annual leave earned during these first 30 days of employment
- b. Effective January 1, 1997, an employee who leaves the service of the College after completion of 30 calendar days of employment shall receive a lump-sum payment for all accrued but unused annual leave at the terminal salary rate, but not to exceed the employee's annual leave accrual rate.

4. Use of Annual Leave

- a. Annual leave may not be used during the first 30 calendar days of employment unless pre-arranged as a condition of employment or in exceptional cases approved by the Vice President of Human Resources, Development, and Engagement or designee. After the first 30 calendar days of employment, leave may be used only after it has been earned and credited to the employee's account.
- b. Annual leave shall be scheduled by the appropriate supervisor at such time(s) as may be deemed to be in the best interest of the College. Generally, blocks of annual leave for ten-month employees should be scheduled during periods when faculty are not on duty.
- c. A request for annual leave should be initiated by the employee prior to the desired leave period. The employee shall apply through appropriate supervisory channels to the supervising administrator of his or her unit on the Request for Short-term Leave Form. The supervising administrator (or designee) shall approve or disapprove requests for annual leave.
- d. In an emergency, the employee is responsible for reporting to his/her supervisor as early as possible that he/she will be unable to report for work, stating the reason for the absence and his/her desire to use annual leave. The Request for Short-term Leave Form should be completed and submitted immediately upon return from the leave period. See also the "liberal leave" provisions in the procedures regarding "Emergency Closing of the College."
- e. Except in emergency situations every eligible employee upon request shall be granted the opportunity to use at least one year's entitlement of earned annual leave during each year.

5. Accrual and Accumulation of Annual Leave

- a. Effective December, 1996, annual leave not used may be accumulated up to the amount of the full-time employee's annual leave accrual rate and carried forward to the next year as

follows: i) for employees with less than three years of service, 120 hours; ii) for employees with more than three years of service but less than 15 years, 160 hours; iii) for employees with 15 or more years of service, 208 hours. The maximum and carryover amount will be prorated for assignments of less than 40 hours per week.

- b. Any leave in excess of the maximum amount carried forward to the next year, in accordance with b. above, shall be lost at 12:01 am on the first day of the first pay period to be paid in January.

6. Creditable Service

Creditable service for use in determining an employee's annual accrual rate for annual leave shall include all authorized paid leave, authorized leave without pay for military service or self-improvement, and the time a regular employee is on approved disability leave. In computing the sum for creditable service, no credit shall be given for any month in which an employee was employed fewer than 15 calendar days.

7. Transfer of Accumulated Leave or Indebtedness

An employee who transfers from one College position to another (staff or administrator) shall retain his/her accumulated annual leave balance or any indebtedness or advanced annual leave the employee may have incurred.

8. Excluded Service

Periods of layoff and suspension and periods of authorized leave without pay in excess of two months (60 calendar days) shall not be credited for use in determining annual leave accrual rate. The only exceptions are leave without pay for military service, for self-improvement, and for disability.

C. Holidays

Eligible employees are authorized paid leave on official holidays when such holidays fall on days which they are regularly scheduled to work. Such leave is referred to as "holiday leave." Official holidays are those days designated each year in the College calendar (See 58001 College Calendar) on which the College is listed as being closed, including the Saturdays and Sundays. There shall be designated either fourteen or fifteen holidays during a fiscal year, or a number as authorized by the president when determined to be in the best interest of the College.

1. Eligibility

Each administrative, associate, and support staff employee who is assigned to a regular position or a temporary with benefits positions and who works a regularly scheduled 20 hours per week or more shall be eligible for holiday leave in accordance with this policy.

2. Work on Holidays

An employee may be required to work on an official holiday if a determination is made that certain College services must be maintained. The president, the appropriate Vice President shall determine which College services must be maintained and each unit head concerned shall determine which employees work and which employees do not work on the holiday involved. See 35001CP, Compensation, Staff Pay for Work on a Holiday

3. When an Official Holiday Falls on a Staff Employee's Regular Day Off

When an official holiday falls on an employee's regularly scheduled day off, such employee shall not be paid for that day. However, in those situations where an alternate work schedule serves to reduce a full-time employee's number of paid holidays below the minimum number received by those working a regular work schedule, the employee so affected will receive an alternate paid holiday for the hours he/she are normally scheduled to work during the same pay period or the subsequent pay period, unless the needs of the College require that the day off be taken at a later time.

4. Holiday Falling During Periods of Other Authorized Leave

When an official holiday falls during a period of either annual or sick leave, it is counted as a day of holiday leave.

5. Alternate Work Schedules & Holidays

In those situations where an alternate work schedule serves to reduce a full-time employee's number of paid holidays below the minimum number received by those working a regular work schedule, the person so affected will receive an alternate paid holiday for the hours he/she are normally scheduled to work during the same pay period or the subsequent pay period, unless the needs of the College require that the day off be taken at a later time.

6. Part-Time Employees working 20 hours or more

Part-time employees shall be paid for holidays for the number of hours that they are regularly scheduled to work on those days. In the event a part-time employee is not scheduled to work on a holiday, the employee shall not be paid for that day.

D. Personal Leave

1. Eligibility

Each administrative, associate, and support staff employee who is assigned to a regular position or a temporary-with-benefits position and who works a regularly scheduled 20 hours per week or more shall earn personal leave.

2. Entitlement

An eligible employee may be granted personal leave (non-cumulative) with pay up to a maximum of 24 hours for full-time employees and on a prorated basis for part-time employees during each leave year. Personal leave will be granted for the purpose of allowing the employee to attend to special personal obligations such as major religious observances, settlement on the sale or purchase of property, appearance in court other than for a staff member who is subpoenaed as a court witness or who is called to serve on a jury, lawyer appointments, or for other important personal unplanned crises or emergencies involving family members or personal property.

3. Application Procedures

The employee shall submit, in advance, if possible, a request for personal leave on the Staff Request for Short-term Leave Form through the employee's immediate supervisor to the supervising administrator (or designee) for approval. Employees will be on an honor system to request personal leave for appropriate reasons; therefore, no detailed explanation will be required.

E. Leave for Professional Meetings

Leave for professional meetings is paid leave granted for the purpose of attending off-campus professional meetings (e.g. conventions, conferences, or committees as participant or observer), participation in which requires distant travel or absence of one day or more. The term "Professional Meetings" also includes other college business which requires distant travel. Requests for this type of leave are submitted on Request for Short-term Leave Form and forward it to the supervising administrator (or designee) for action.

F. Bereavement Leave

An eligible employee shall be entitled to leave with pay for five (5) work days, not to exceed 40 hours, in the case of the death of a member of the employee's immediate family. "Immediate family member" is defined as spouse; natural, foster, or stepchild; in-law; parent; step-parent; sibling; grandchild; grandparent; or member of the employee's immediate household. Leave need not be taken on consecutive days provided such leave is taken during the period between the date of death and the conclusion of the mourning period or date of burial. The employee shall submit the appropriate short-term leave form to the supervising administrator (or designee) for action.

G. Court Attendance Leave

An eligible employee who is subpoenaed as a court witness or who is called to serve on a jury may be granted court attendance leave for the period he or she is required to be in court plus necessary travel time.

1. The employee shall submit the appropriate short-term leave form. A copy of the subpoena or summons shall be attached to the request.

2. Upon return to work the employee shall substantiate the extent of his or her absence by the submission of an official statement from the court indicating the exact duration of the employee's court service.
3. Any pay (less travel or other necessary and uncompensated expenses) received by the employee for such court service shall be paid to the College unless the employee elects to use annual leave or leave without pay, in which case the employee may retain all pay received for such court service.

H. Annual Military Reserve Training Leave

An eligible employee who is a member of the National Guard or of the United States Armed Forces Reserves may be granted special leave with pay for training purposes not to exceed 15 calendar days in any 12-month period when required by federal or state order. In addition, such leave with pay as may be required may be granted to an employee when his or her reserve unit is activated by federal or state order in the event of a civil disturbance or other emergency.

1. The employee shall submit the appropriate short-term leave form through appropriate supervisory channels to the Vice President of Human Resources, Development, and Engagement (or designee). A copy of the military or other governmental orders shall be attached to the request.
2. Any pay (less extra travel or other necessary and uncompensated expenses) received by the employee for such active duty shall be paid to the College unless the employee elects to use annual leave or leave without pay, in which case the employee may retain all pay received for such active duty.

I. Administrative Leave

College employees may be granted paid leave when the safety, health, or general welfare of the employee is in danger or when such leave is deemed to be in the best interest of the College. Administrative leave may be granted on either an institution-wide basis or to selected segments of the staff of the College as follows:

1. When conditions justify administrative leave on an institution-wide, campus or central office basis, the President (or designee) authorizes such leave.
2. When conditions justify granting administrative leave to only selected offices or personnel of the College staff, such authorization shall be made by the Vice President of Human Resources, Development, and Engagement or designee upon the recommendation of the appropriate administrator for the organizational unit involved.

3. Notification

When administrative leave is authorized, it shall be announced in writing by the authorizing official no later than the first working day following the authorization decision. The notification shall identify those employees

entitled to use such leave.

4. Administrative Leave - Institution-Wide, Campus or Central Office

When administrative leave is authorized for all employees of the College, or a major segment thereof, it shall apply to all affected employees who are on the payroll in a work status or who are on annual or sick leave. If such leave happens to fall on an employee's normal day off, it shall not apply for that employee.

5. Administrative Leave - Selected Offices or Personnel

When administrative leave is authorized for selected offices or personnel of the College, only those employees so identified, and who are on the payroll in a work or paid leave status, shall be entitled to use such leave. If such leave happens to fall on a normal day off for any such employee, it shall not apply for that employee.

6. Required Work During Periods of Administrative Leave

Those employees who are required to work in order to service and protect those portions of College property affected by the authorized administrative leave shall be paid for such work in the same manner as employees are paid for work performed on an official holiday.

J. Extended Professional Development Leave

1. General

Extended professional development leave for administrative, associate, and support staff will normally be granted for a period of three months or one semester and will be at full pay. Exceptions to this framework will be considered on an individual basis.

2. Eligibility

Staff become eligible to apply for and are considered for professional development leave after they have served continuously at Montgomery College for at least three years without paid professional leave.

3. Criteria

The evaluative criteria listed below will be used in reviewing all requests for professional development leave submitted by staff personnel.

- a. A professional development leave may be requested for any purpose which will further the professional development of a staff employee or enhance the reputation of Montgomery College. Leave may be requested to engage in a program of scholarly or academic pursuit which will enhance the individual's professional development in his or her role as an employee at

Montgomery College, such as a program of professional renewal or development, scholarly or academic study, preparation of a text or other major literary work, or completion of a degree, certificate, or program of study.

- b. The proposal shall indicate clearly how the program to be undertaken will benefit the College and the individual. It shall also include a detailed outline of the objectives of the program and the specific activities planned to achieve the objective.
- c. In addition to the criteria above, the following will also be considered in evaluating requests for extended professional development leave. These items are not listed in priority order:
 - (1) Contributions which the applicant has made over the years to the College as a whole.
 - (2) Length of service of the applicant at Montgomery College.
 - (3) The value of the project to the individual, the academic field, or employment area of the applicant.
 - (4) Previous professional development leaves granted.
 - (5) Funds available to support professional development leaves.
 - (6) Provisions for handling the applicant's duties while on leave.

4. Application Process

- a. The application shall be submitted in writing and shall describe in detail the program to be undertaken. The application shall also indicate the specific period of time for which the leave is requested.
- b. **Employee Status** An administrative, associate, or support staff employee on extended professional development leave shall for all purposes, including but not limited to benefits and applicability of the College conflict of interest policy, be viewed as a full-time employee, except that annual leave and sick leave may not be earned or used while on professional development leave.
- c. **Contractual Agreement** An administrative, associate, or support staff employee granted extended professional development leave shall enter into a written agreement whereby he/she agrees to return to service at Montgomery College for a period of time based on the following formula: For each month of approved leave, the employee will return to the College for four months. If the employee fails to return and remain for the period of time specified in the agreement, the employee shall refund to

the College all monies paid to him/her on his/her behalf during the period of the leave. The written agreement shall also provide that the employee's engagement in professional activities (other than those specified in the approved program) for which payment is received shall not be allowed unless specifically approved by the Vice President of Human Resources, Development, and Engagement (or designee), who is responsible for administering the terms of the agreement.

- d. Change of Status Due to Inability to Complete Program If the staff employee cannot complete the planned program for which the extended professional development leave was granted, it is the employee's responsibility to notify promptly the Vice President of Human Resources, Development, and Engagement (or designee) after which the employee shall either return to his/her regularly assigned duties or be reassigned to an appropriate leave status. Salary allowances and benefits shall then be adjusted accordingly.

- e. Evaluation

- (1) An administrative, associate, or support staff employee on extended professional development leave shall be evaluated in accordance with the policies and procedures appropriate to administrative, associate, or support staff.
- (2) The employee shall furnish progress reports to his/her supervisor during the course of the leave, as requested by the supervisor at the time the leave is granted.
- (3) A full written report describing activities during the leave and the results of the leave or proof of successful completion of the program shall be submitted to the supervisor within 30 days of completion of the leave and shall be considered in the evaluation of the employee.

- 5. Specific Procedures Applying to Administrative Staff

- a. Applications will be submitted through normal administrative channels to the Vice President of Human Resources, Development, and Engagement (or designee) in accordance with instructions issued annually. Normally, applications are solicited in the late fall to early spring for leave to begin the following fiscal year. Intervening supervisors shall review the proposal within the context of the approved criteria and make a recommendation for approval or disapproval as well as a recommendation as to how the applicant's responsibilities will be performed in his/her absence.
- b. In the event that more than one proposal is received in a department for leave over a similar time period, the Vice President of Human Resources, Development, and Engagement

or designee may convene an ad hoc committee to evaluate the proposals and to make a recommendation for approval or disapproval.

- c. The President will make a final decision regarding extended professional development leave for administrators.

6. Specific Procedures Applying to Associate and Support Staff

- a. Applications will be submitted through normal administrative channels to the Vice President of Human Resources, Development, and Engagement or designee in accordance with instructions issued annually. Normally, applications are solicited in the fall for leaves to begin the following fiscal year.
- b. Applications for extended professional development leave for associate and support staff employees are considered by a special committee appointed by the Vice President of Human Resources, Development, and Engagement or designee from nominees submitted by the Staff Senate. The special committee will make its recommendations to the Vice President of Human Resources, Development, and Engagement (or designee).
- c. The Vice President of Human Resources, Development, and Engagement (or designee) will make a final decision regarding extended professional development leave for support and associate staff.
- d. Upon completion of extended professional development leave, an associate or support staff employee shall immediately return to the same position held prior to such leave unless, by mutual agreement in advance of the employee's return, it is decided to place the returning employee in a different position.

K. Extended Administrative Leave

Extended administrative leave is defined as that type of personnel development leave authorized and assigned an administrative, associate, or support staff employee to benefit the College. College personnel are placed on extended administrative leave only to acquire a set of skills or specific knowledge required for the operation of the College. Placement of an individual on such leave, and the financial arrangements therefore, must be approved by the President. Extended administrative leave will not be used when other methods such as independent or self-programmed study or educational (tuition) assistance will provide the skill needed in the time frame involved. When the criteria for the Educational Assistance Program are met, the program may be used in conjunction with extended administrative leave, with the approval of the President.

1. Eligibility.

Any individual currently employed full-time by the College may be placed on extended administrative leave provided that the person is willing and that, normally, the person has been in the service of the College for at least four (4) consecutive years. Declining the offer to be placed on this leave will not affect the person's employment status at the College.

2. Application Procedure

- a. Although normally initiated at the supervisory level, any member of the College may recommend that extended administrative leave be granted to one or more eligible persons or for one or more purposes. If not originating with the President, a vice president/provost, or Senior Vice President, the request will be forwarded through supervisory channels to the appropriate aforementioned major supervisor.
- b. The request should explain the purpose of the leave, state how it will benefit the operation of the College, explain why it is necessary or essential for the College to authorize this type of leave, provide a specific cost estimate, recommend an individual(s) to be on the leave, list any prior leave for professional meetings or extended administrative leave granted to that person during the prior 12 months, and indicate the willingness of the individual(s) to be placed on leave if it is granted.
- c. The major supervisor concerned will review the request, make a recommendation, and forward it to the Vice President of Human Resources, Development, and Engagement or designee for consideration and recommendation to the President for final approval or disapproval.
- d. When extended administrative leave has been authorized by the President, application for leave will be made administratively on the Request for Funds for Distant Travel form.

3. Salary and Benefits. All salary and benefits normally received will continue when a person is placed on extended administrative leave. In addition, travel, and allowance for room and board may be paid by the College, as warranted, and will be determined in advance by mutual agreement between the individual and the Chief Business Officer, and be approved by the President.

4. Contractual Agreement. An individual who agrees to be placed on extended administrative leave must contract to return to the College upon its completion for twice the duration of the leave but in no case less than the equivalent of half of an academic year. Failure to return and serve will make the individual liable for all monies paid to him/her or on his/her behalf by the College, unless relieved of this obligation, in part or in full, by the President for such reasons as disability or death.

5. Duration of Leave. Extended administrative leave is normally for no more than the equivalent of a semester. The minimum duration of

extended administrative leave will usually be more than two weeks. Personal development leave of two weeks or less will normally be considered under the category of short-term leave to attend professional meetings. Although extended administrative leave will usually be for periods in excess of two weeks, an individual's daily absence over a continued period of time while on extended administrative leave might well be for only a fraction of a working day; for example, two hours per day for six weeks.

6. Credited Service. An individual on extended leave will have the time of authorized absence count toward employment status and will return to the same or equivalent position on return from leave.

L. Short-Term Disability Leave for Administrative, Associate and Support Staff

1. Disability Not Compensable Under Workers' Compensation Law.

A staff employee who works at least half-time with regular status (as opposed to temporary status) in a budgeted position on a continuing basis; who has completed at least six months of continuous service with Montgomery College or an employee who works at least half-time in a temporary-with-benefits position and has been employed at the College for at least three (3) consecutive years; who is completely unable to work of a sickness or accident not compensable under the Workers' Compensation law; and who has exhausted all credited leave (at the employee's discretion and upon approval of the employee's immediate supervisor, an employee may request the use of advanced sick leave between the exhaustion of all accrued sick leave and the commencement of disability leave. This request must be made and approved prior to the commencement of Disability Leave and is a non-revocable decision for that period of disability)., shall be entitled to leave, commencing on the first day after the exhaustion of sick leave and continuing to the first anniversary of the date he/she was first unable to work of such disability. A staff employee shall be remunerated for the period of this leave in an amount equal to a percentage of the staff employee's salary, had the staff employee worked, in accordance with the following schedule:

<u>Length of Continuous Service</u>	<u>Percentage of Salary</u>
At least 6 months, but less than 3 years of continuous service	50%
3 years, but less than 10 years of continuous service	60%
10 years of continuous service or more	80%

An employee who is on short-term disability leave under this section, when deemed appropriate by the Vice President of Human Resources, Development, and Engagement, or designee, and upon the presentation

of acceptable medical documentation, may be permitted to engage in rehabilitative work (defined as returning to work for fewer hours than the employee was regularly scheduled before leave commenced) for up to the term of the employee's short-term disability period. An employee shall be remunerated for the period that he or she is permitted to engage in rehabilitative work pursuant to this section in an amount equal to the percentage of the employee's regular rate provided in the above schedule, plus an additional twenty (20) percent of the employee's regular rate. An employee engaged in rehabilitative work shall accrue leave on a pro rata basis and shall be permitted to use leave on a pro rata basis.

2. Disability Compensable Under Workers' Compensation Law.

a. Treatment by Designated Provider.

A staff employee who has completed at least six (6) months of continuous service with Montgomery College or an employee who works at least half-time in a temporary-with-benefits position and has been employed at the College for at least three (3) consecutive years, who is completely unable to work because of a sickness or accident compensable under the Workers' Compensation law, and who is treated for such disability by a College designated Workers' Compensation provider shall be entitled to leave commencing on the first day he is unable to work because of such disability and continuing to the first anniversary of such date. A staff employee eligible for leave under this paragraph shall be remunerated for the period of such leave in an amount equal to one hundred percent (100%) of the salary the staff employee would have been paid had the staff employee worked.

b. Treatment by Other Than Designated Provider.

(1) A staff employee who has completed at least six (6) months of continuous service with Montgomery College or an employee who works at least half-time in a temporary-with-benefits position and has been employed at the College for at least three (3) consecutive years, who is completely unable to work on account of a sickness or accident compensable under the Workers' Compensation law, who is treated for such disability by a health care provider other than a College designated Workers' Compensation provider, shall be entitled to leave, commencing on the first day he/she is unable to work because of such disability and continuing to the first anniversary of such date. A staff employee eligible for leave under this paragraph shall be remunerated because of such sickness or accident in accordance with the Workers' Compensation law.

(2) Not later than seven (7) calendar days after the first day he is unable to work because of the disability, a staff

employee entitled to leave under paragraph L. 2. b. 1. above may elect, in lieu of leave under this paragraph (L. 2. b. 1.), to use accrued and unused sick leave. If a staff employee elects to use leave as provided in the paragraph above, such leave must commence as of the first day the staff employee is unable to work because of the disability and must continue until the staff employee returns to work, or the accrued sick leave is exhausted, whichever occurs earlier. If a staff employee's accrued sick leave is exhausted before he is able to return to work, he shall immediately be entitled to commence leave under paragraph L. 2. b. 1. above, which shall continue to the first anniversary of the date he was first unable to work because of such disability.

3. Exclusions.

Notwithstanding the foregoing, disability benefits under this paragraph shall not be available for illness or accident disability resulting from or contributed to by war or any act of war, whether declared or undeclared; intentionally self-inflicted injury; or injury sustained in the commission of or having participated in committing a felony. Eligibility for disability benefits will automatically cease upon the date the staff employee returns to active duty with Montgomery College; the staff employee's seventieth (70th) birthday; the date upon which the staff employee retires under a Montgomery College retirement plan; the date on which the staff employee's employment with Montgomery College ceases; or the date on which the staff employee ceases to be under the care of a legally qualified physician; whichever occurs earliest. Short term disability leave shall be available only for such period of time during the year the staff employee would have been scheduled to perform assigned responsibilities in the position which entitles the employee to such disability leave.

4. Reduction of Montgomery College Expenditure.

If the staff employee qualifies for Workers' Compensation, Social Security or other disability compensation plans to which Montgomery College contributes on account of the sickness or accident disability for which the staff employee qualifies for benefits under this paragraph, the total amount of remuneration received by the staff employee from such disability compensation plans plus any additional amounts payable by the College pursuant to this paragraph shall not exceed the salary the staff employee would have received that is attributable to the period of leave under this paragraph. If, during the period of such sickness or accident disability, the staff employee engages in any work for wage or profit, the remuneration set forth in sections L. 1. or 2. above shall be reduced by the amount of the wage or profit during the time period in question.

5. Proof of Disability.

Upon request of the Office of Human Resources, Development, and

Engagement, a staff employee claiming disability benefits under this paragraph shall submit to an examination by a qualified physician designated by the College. If the physician designated by the College is of the opinion that the staff employee is not completely disabled from engaging in some or all of the staff employee's responsibilities to Montgomery College, the staff employee shall be required to perform such duties as the physician designated by the College determines appropriate, unless the staff employee's personal physician disagrees with the opinion of the physician designated by the College; in which event, the physician designated by the College and the staff employee's personal physician shall select a third physician to examine the staff employee at the College's expense. The majority opinion of the three physicians shall prevail.

6. No Extension of Disability Benefits Program.

The total amount of short term disability leave available on account of any one disability shall not extend for a period in excess of twelve (12) months. In the event a staff employee returns to work prior to the expiration of such twelve (12) month period and subsequently is unable to continue to work because of the original sickness or accident disability, the staff employee shall be entitled to receive benefits, in accord with the provisions of this paragraph, for the unused balance of the original twelve (12) months if the staff employee otherwise qualifies under this paragraph.

7. Leave and Continuous Service Credit.

A staff employee shall not accrue annual or sick leave during the period the staff employee is receiving disability benefits nor shall the period of time the staff employee is on disability leave be counted towards satisfaction of the required probationary period.

8. Application for Disability Benefits.

Application for disability benefits shall be submitted, on a form to be provided by the Office of Human Resources, Development, and Engagement, to the Office of Human Resources, Development, and Engagement. The application shall include the written opinion of a legally qualified physician as to the nature and extent of the sickness or accident disability, the effective date of such disability, the anticipated duration of such disability, and a clear statement that the staff employee is unable to perform any of the staff employee's assigned responsibilities because of such sickness or accident disability. The Office of Human Resources, Development, and Engagement shall establish the effective date of disability based on the form so submitted. A staff employee whose application for benefits under this paragraph is denied by the Office of Human Resources, Development, and Engagement may appeal to the Senior Vice President for Administrative and Fiscal Services.

M. Other Long-Term Leave

The President may authorize long-term leave with pay for unusual and imperative

reasons not covered by any of the foregoing categories of leave. The President may authorize, upon recommendation from the appropriate Vice President and provost/Senior Vice President, long-term leave without pay for categories of leave not covered in the preceding paragraphs pertaining to long-term leave. A determination will be made in each case concerning continued participation in the retirement and other benefit plans and payments therefore.

II. Leave Without Pay for Non-Bargaining Administrative, Associate, and Support Staff

These procedures are applicable to all requests for leave without pay.

A. General

1. Leave without pay for one through five consecutive working days may be granted to an employee by his/her supervisor.
2. All other leave without pay in excess of five consecutive working days may be granted: (1) in accordance with the provisions of the Federal Family and Medical Leave Act, as outlined below, or (2) upon approval by the President (for administrators) or by the Vice President of Human Resources, Development, and Engagement or designee (for associate and support staff) as outlined below.
3. In all cases of leave without pay in excess of five consecutive working days, the employee shall submit a request to the President or designee (for administrators) or the Vice President of Human Resources, Development, and Engagement or designee (for associate and support staff) through normal supervisory channels detailing the reasons for the request.
4. All applications for leave without pay for military service shall be accompanied by a copy of the employee's official orders which summon the employee to active duty. Military service includes active service as a commissioned officer, warrant officer, or enlisted person in the Army, Navy, Air Force, Coast Guard, or Marine Corps.
5. Employees shall request leave without pay at least 30 days in advance, when the purpose of the leave is foreseeable.

B. Family and Medical Leave Without Pay

These procedures are applicable to requests for leave without pay subject to the provisions of the Federal Family and Medical Leave Act of 1993 (FMLA). The procedures will be administered in accordance with the provisions of the FMLA.

1. Eligibility

Employees are eligible for up to 12 weeks of unpaid leave if they have worked for the College at least 12 months and for 1,250 hours over the previous 12 months.

2. Reasons for Leave

Unpaid leave will be granted for any of the following reasons:

- a. To care for an employee's child after birth, or placement for adoption or foster care;
- b. To care for the employee's spouse, son or daughter, or parent who has a serious health condition; or
- c. For a "serious health condition" that makes the employee unable to perform her/his job. A serious health condition for purposes of the FMLA means:
 - (1) An illness or injury that involves an overnight stay in a health care facility and any subsequent treatment in connection with such stay; or,
 - (2) Continuing treatment by a health care provider including any one or more of the following:
 - i. a period of incapacity of more than 3 consecutive, full calendar days and subsequent treatment by a health care provider in-person two or more times within 30 days of the first day of incapacity
 - ii. treatment by a health care provider in-person on at least one occasion which results in a regimen of continuing treatment
 - iii. pregnancy and prenatal care
 - iv. condition which requires visits at least twice a year for treatment by a health care provider over an extended period of time and may cause episodic rather than a continuing period of incapacity
 - v. permanent or long-term conditions
 - vi. conditions requiring multiple treatments by a health care provider including recovery time
- d. A qualifying exigency which occurs while the employee's spouse, son, daughter, or parent who is a reservist, member of the National Guard, or retired member of the Regular Armed Forces or Reserves is on federal active duty or has received a federal call to active duty in support of a contingency operation.

A qualifying exigency includes:

- (1) any issue relating to a short-notice deployment (i.e. within seven calendar days of notification of deployment);
- (2) attendance at military events and related activities, such as pre-deployment briefings and family support sessions;

- (3) time needed to provide or arrange for childcare or participate in school-related activities with respect to a child or ward of the covered family member;
- (4) time needed to make or update financial and legal arrangements relating to the covered family member or act as the covered family member's representative with respect to military service benefits;
- (5) time needed to participate in counseling, where the need for counseling arises from the covered member's active duty or call to active duty;
- (6) up to five days spent with a covered family member on short-term rest and recuperation leave from a deployment;
- (7) post-deployment activities, including any official ceremony sponsored by the military, as well as exigencies arising from the death of a covered family member while on active duty status; and
- (8) additional activities, provided that the employer and the employee agree that such leave shall qualify as an exigency and agree as to the timing and the duration of such leave.

- e. To care for a "covered service member" injured or incurred a serious illness in the line of duty while on active duty. A "covered service member" means a current member of the Armed Forces, including a member of the national Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. An employee is eligible for up to 12 weeks of unpaid FMLA leave in a 12 month period for reasons (a)-(d) above. FLMA includes a special leave entitlement for reason (e) above, that permits eligible employees to take up to 26 weeks of unpaid FMLA leave to care for a covered service member during a single 12 month period.

3. Job Benefits and Protection

- a. For the duration of the leave, the College will maintain group health care coverage under the same conditions as if the employee were still working.
- b. Employees are entitled to return to their former job or an equivalent position at the end of the leave, except as provided for under the FMLA.
- c. The use of leave under these procedures will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

4. Certification

The College will require certification for FLMA leave. The employee must respond to such a request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

To Qualify for Unpaid FMLA Leave:

- a. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition Form.
- b. Military family leave certification will be provided using the DOL Certification of Qualifying Exigency For Military Family Leave Form or DOL Certification for Serious Injury or Illness of Covered Service Member for Military Leave Form.

C. Other Leave Without Pay

These procedures are applicable to all requests for leave without pay over five days except those covered by the FMLA.

1. Eligibility

Administrative, Associate, and Support Staff with regular status may request leave without pay for a period of time not to exceed 12 months.

2. Reinstatement Rights

- a. An eligible employee who has completed three or more consecutive years of satisfactory service to the College and who has been granted leave without pay under this section shall have the right of reinstatement in his or her former position upon return from such leave unless the employee waived such right prior to the expiration of such leave.
- b. An eligible employee who has completed less than three years of satisfactory service to the College and who has been granted leave without pay for a period no greater than three months shall have the right of reinstatement in his or her former position upon return from such leave unless the employee waived such right prior to the expiration of such leave.
- c. In all cases where reinstatement rights do not apply, the College will make every attempt to place the employee in a position comparable to the one previously held. If such placement is not achieved by the end of six months from the end of the period of leave without pay, the employee will be separated from the service of the College in good standing.

3. Reinstatement Procedures After a Period of Leave Without Pay

- a. An employee who has been on leave without pay for a period of not more than three months shall notify the President or

designee (if an administrator) or the Vice President of Human Resources, Development, and Engagement or designee (if other staff) no later than two weeks before the end of the leave period of his or her intention to return to duty.

- b. An employee who has been on leave without pay for a period in excess of three months shall notify the Director of Personnel Management no later than 30 calendar days before the end of the leave period of his or her intention to return to duty.
- c. An employee with reinstatement rights shall be reinstated in the former position, assuming the individual is still qualified to perform the duties of said position and assuming that the position has not been abolished or reclassified and assuming that the employer has timely notified the College of his/her intent to return. The President for administrators or the Vice President of Human Resources, Development, and Engagement or designee for staff employees shall have the responsibility for determining the returning employee's fitness for resuming the responsibilities of his or her former position.
- d. If the returning employee's former position no longer exists or has been reclassified, the employee shall be given preferential consideration for any other comparable vacant position; or, if qualified, he/she shall be placed in the reclassified former position.
- e. If the returning employee's experience while on leave has resulted in qualifying him/her for a higher level position than the previously held position, the employee may apply for any other vacant position for which he/she is now qualified, instead of automatic reinstatement in the formerly held position.
- f. An employee on leave without pay for military service shall surrender all reinstatement rights if, after completing the initial period of military service, he/she voluntarily elects to remain in the military service; or, after being discharged subsequently decides to re-enlist voluntarily. An employee shall not be eligible to be granted leave without pay for military service or to be continued on such leave for such voluntary service beyond the initial period of service.
- g. An employee returning from leave without pay who does not accept reinstatement to his/her former position or to a comparable or better position shall thereby surrender all reinstatement rights.
- h. An employee returning from military leave who does not accept reinstatement to his/her former position or to a comparable or better position within 90 days after the offer of reinstatement is made shall thereby surrender all reinstatement rights.
- i. In cases where the employee who has been on leave without

pay does not have reinstatement rights, the Human Resources Office shall make an effort to place the returning employee in a position comparable to the formerly held position within six months.

4. Benefits During Leave Without Pay

- a. An employee on leave without pay, except when such leave is granted for military service, may continue participation in the employee benefit plan.
- b. During the employee's period of leave, the amount for benefits normally contributed by the employee and the amount for benefits normally contributed by the College shall both be paid by the employee.
- c. If payments are not made by the employee by the due dates specified in the contractual agreement, participation in the benefit plans will be discontinued.
- d. As a result of each period of leave without pay in excess of 60 calendar days (except for self-improvement, disability, and military service), the employee's annual salary increment date and adjusted date of employment shall be moved forward the same number of days as the employee was on leave without pay in excess of 60 calendar days.

D. Leave Without Pay for Professional Improvement/Self-Improvement

An administrative, associate, or support staff employee who has completed three consecutive years of service with the College may be granted leave without pay for professional improvement or self-improvement by the President (or designee) for administrators and the Vice President of Human Resources, Development, and Engagement (or designee) for associate and support staff employees. The College may pay the total cost (including the amount usually paid by the employee) of the employee's continued participation in the employee benefit (retirement, health and life insurance) plan upon the employee's satisfactorily meeting the following standards.

1. The content of the planned course of study or vocational training program is directly applicable to the work performed by the employee for the College and will be of immediate benefit to both the employee and the College upon the employee's return from leave, or, it will prepare the employee for a different role at the College that is mutually agreed upon in advance and identified as an actual, funded need of the College. In the latter case the planned course of study must be sufficient to enable the employee to meet fully the required qualifications for the new position. The course or program content must be applicable and clearly established by the materials presented to support the recommendation.
2. The course of study is either a terminal program; a self contained, independent unit; or the final phase of a degree or other long term program; and can be completed within the maximum period of time (12

months) allowable for this kind of leave.

3. The course of study will be undertaken at an institution or organization which has appropriate accreditation, professional reputation or status in the field being studied. In the event of doubt on this point the opinion of a recognized expert in the field will be obtained by the College to consider the selection.
4. The course of study is full-time, and the employee provides a written certification to the effect that during this leave he or she will not engage in other employment which might jeopardize the obtaining of maximum benefit from the study. In addition, the employee documents the fact that he or she will not receive from a scholarship, grant, or salary (either singly or combined) an amount greater than the salary regularly received from Montgomery College less the amount regularly contributed to the cost of participation in the retirement, health and life insurance plans by the employee. All allowances over and above the grant, scholarship, or other compensation, which are awarded specifically for necessary related purposes such as housing, traveling, and moving expenses, are to be identified but not counted in this income comparison.

III. Leaves For Bargaining Unit Staff

These procedures pertain to employees in positions represented by AFSCME Local 2380. See the current collective bargaining agreement for leave provisions.

- A. Requests for sick leave, annual leave, bereavement leave, personal leave, short-term professional leave, and court attendance leave shall be submitted on the standard Staff Request for Short Term Leave Request form to the administrative supervisor (or designee) for action. Requests for advanced sick leave may be approved by the Vice President of Human Resources, Development, and Engagement or designee upon the recommendation of the administrative supervisor.
- B. Request for Family and Medical Leave and for Military Leave shall be submitted to the Human Resources Office through normal administrative channels.
- C. Requests for Extended Professional Development Leave shall be submitted to the Vice President of Human Resources, Development, and Engagement (or designee) on a form provided by the College.
- D. Request for Short-Term Disability Leave Benefits shall be submitted to the Vice President of Human Resources, Development, and Engagement or designee on a form provided by the College.
- E. All requests for leave without pay shall be submitted to the Vice President of Human Resources, Development, and Engagement through normal supervisory channels, except that administrative supervisors may approve leave without pay for up to five consecutive work days.

IV. Faculty Leaves of Absence

Faculty leave is subject to the provisions of the applicable negotiated agreements which,

if inconsistent, supersede these provisions. The procedures below pertain solely to full-time faculty members, unless otherwise noted.

A. Sick Leave

1. Faculty members shall notify the unit coordinator/first-line administrator prior to the intended use of sick leave, if possible, or on each day as soon as possible.
2. The Faculty Request for Short-Term Leave and Reporting Form shall be completed by the faculty member, if possible, or by the unit coordinator/first-line administrator.
3. The first-line administrator shall approve or disapprove all requests for sick leave.
4. Faculty members on sick leave shall keep the appropriate unit coordinator/administrator informed regarding the progress of the illness and the probable date of return.
5. Sick leave in excess of the amount accrued, up to 10 days, may be advanced by the Vice President of Human Resources, Development, and Engagement or designee, upon the recommendation of the dean.
6. Part-time faculty may be granted paid time off on the basis of one absence per class per semester on a non-cumulative basis.

B. Court Attendance Leave

1. Requests for court attendance leave shall be submitted on the Faculty Request for Short-Term Leave and Reporting Form to the unit coordinator/first-line administrator as soon as the faculty member is served with a subpoena or order to report for jury duty. A copy of the subpoena or order shall be attached to the form.
2. The first-line administrator shall approve or disapprove all requests for court attendance leave.
3. Faculty members shall promptly remit to the College any compensation received for such service, other than monies received for personal expenses (e. g. travel, meals).

C. Military Leave

1. Requests for military leave shall be submitted on a Faculty Request for Short-Term Leave and Reporting Form (MC 3.43-I) to the unit coordinator/first-line administrator as soon as the faculty member receives notice to report for military service or training. A copy of the official orders shall be attached to the form.
2. The first-line administrator shall approve or disapprove all requests for military leave.

3. Faculty members granted military leave may:
 - a. Remit to the College any compensation received from the Federal government or from any state for such service, or
 - b. Retain the compensation received for such service and request extended leave without pay from the College.

D. Bereavement Leave

1. Requests for bereavement leave shall be submitted on a Faculty Request for Short-Term Leave and Reporting Form to the unit coordinator/first-line administrator.
2. The first-line administrator shall approve or disapprove all requests for bereavement leave.

E. Professional Meeting Leave

1. Requests for professional meeting leave shall be submitted on a Faculty Request for Short-Term Leave and Reporting Form to the unit coordinator/first-line administrator. When the leave request contemplates the expenditure of College travel funds of \$75 or more, the requestor shall also submit a Request for Funds for Distant Travel. (See the approved policies and procedures regarding "Reimbursement for Travel and Related Expenditures" for further information regarding travel expenditures.)
2. The first-line administrator shall approve or disapprove all requests for professional meeting leave.

F. Sabbatical Leave

1. General
 - a. The Vice President of Human Resources, Development, and Engagement (or designee) is responsible for coordinating all matters relating to sabbaticals.
 - b. Sabbatical leaves are approved by the President (or designee).
 - c. The Vice President of Human Resources, Development, and Engagement shall inform each faculty member granted a sabbatical leave of the terms of the leave.
 - d. Eligible faculty members may request sabbatical leave on a form to be provided annually by the Vice President of Human Resources, Development, and Engagement.
 - e. Faculty members on sabbatical leave shall be considered, for purposes of fringe benefits and retirement, as full-time employees.

- f. Faculty members on sabbatical leave shall not accept employment or other commitments external to the College while on sabbatical leave. A faculty member may request the Vice President of Human Resources, Development, and Engagement to approve employment which does not interfere with carrying out the objectives of the sabbatical leave.
- g. Faculty members shall notify the Vice President of Human Resources, Development, and Engagement as soon as possible if, for any reason, they are unable to complete the program or meet the objectives for which the sabbatical leave was granted. The Vice President of Human Resources, Development, and Engagement shall determine the appropriate action to take in such circumstances, including termination of the leave, assignment to another leave category, reassignment to regular full-time duties, and/or reimbursement to the College for any monies due to the College as a result of a change in leave status.

2. Criteria

- a. All requests for sabbatical leave are evaluated for consistency with the approved goals and objectives of the department/unit, campus, and College, and with respect to the manner in which the program to be undertaken will benefit the College, the students, and the professional development of the individual. Examples of the type of activities that may meet the overall criteria are as follows:
 - (1) To carry on a program of purposeful course work for a period of at least one semester, or to attend a semester-long institute.
 - (2) To complete a book or other scholarly work that is of value to the individual and the academic community.
 - (3) To participate in research or an operational project of at least a semester's duration or more which would result in improvement in the applicant's overall competency for responsibilities at the College.
 - (4) To take part in some organized community project designed to improve relations between the College and the community.
 - (5) To travel provided such travel has a direct bearing on the particular subject matter field or educational methodology of the instructor.
- b. Other considerations may also be taken into account by the President. For example:
 - (1) Contributions which the applicant has made over the

years to the College.

- (2) Previous sabbatical leave or comparable leave granted previously to the applicant.
- (3) Length of service of the applicant at Montgomery College.

3. Sabbatical Leave Committee

a. Purpose

The purpose of this procedure is to set forth the operational process for requesting, reviewing, and awarding faculty sabbatical leaves. The procedure also provides a mechanism to enable faculty representatives to advise the President (or designee) with respect to the selection of faculty members for the award of sabbatical leaves.

b. Responsibilities

- (1) Sabbatical leaves are approved by the President (or designee).
- (2) The President has delegated to the Vice President of Human Resources, Development, and Engagement the responsibility and accountability for implementing this college-wide procedure.

c. Sabbatical Leave Committee

- (1) The functions of the committee are to evaluate applications for faculty sabbatical leaves and to advise the President with respect to the selection of faculty members for the award of sabbatical leaves. The President may also ask the committee to review completed sabbatical leave reports.
- (2) The committee is composed of six faculty members, two from each campus, appointed by the Faculty Assembly. Members serve two-year staggered terms. The Assembly shall notify the Vice President of Human Resources, Development, and Engagement of the membership of the committee upon appointment.

d. Procedure

- (1) During the fall semester of the academic year immediately preceding the academic year in which leaves may begin, the Vice President of Human Resources, Development, and Engagement or designee will meet with the committee to discuss the published criteria, the priorities for the forthcoming academic year,

the review process, and the method by which applications are recommended.

- (2) Sabbatical leave applications will be available beginning each August. An optional information session is offered during professional week to review the process and answer questions.
- (3) The completed application for sabbatical leave, which shall include a statement of the objectives to be accomplished during the leave, shall be submitted through normal administrative channels to the Vice President of Human Resources, Development, and Engagement or designee not later than Thanksgiving break of the academic year immediately preceding the academic year in which the faculty member intends to commence such leave.
- (4) In January, or earlier if possible, the Vice President of Human Resources, Development, and Engagement or designee will forward all eligible applications for sabbatical leave to the Sabbatical Leave Committee.
- (5) The committee will submit its recommendations to the Vice President of Human Resources, Development, and Engagement no later than March 1.
- (6) The College President (or designee) will make a final decision regarding applications for sabbatical leaves by April 1.

G. Extended Leave without Pay

1. Requests for extended leave without pay shall be submitted by memorandum to the campus vice president/provost (or designee) through normal administrative channels as early as possible before the intended use of such leave. The memorandum shall state fully the reasons for requesting such leave.
2. The vice president/provost shall approve or disapprove all requests involving leaves of less than one semester.
3. The Vice President of Human Resources, Development, and Engagement or designee shall approve or disapprove all requests involving leaves of one semester or more.
4. The Vice President of Human Resources, Development, and Engagement or designee shall inform each faculty member granted an extended leave without pay for one semester or longer of the terms of the leave.

H. Personal Leave

1. Requests for personal leave shall be submitted on a Faculty Request for Short-Term Leave and Reporting Form to the unit coordinator/first-line administrator.
2. The first-line administrator shall approve or disapprove all requests for personal leave up to a maximum of 3 days per academic year per faculty member.
3. Personal leave over 3 days per academic year may be granted, with or without pay, by the campus vice president/provost.
4. Personal leave with pay will not be granted outside of the academic year.

I. Short-Term Disability Benefits

1. Application for short-term disability benefits shall be submitted to the Vice President of Human Resources, Development, and Engagement or designee on a form to be provided by the Human Resources Office.
2. The Vice President of Human Resources, Development, and Engagement or designee shall approve or disapprove all requests for short-term disability benefits.

J. Leave Reporting

The procedure for reporting all leave taken that is requested on a Faculty Request for Short-Term Leave and Reporting Form, are the following:

1. All copies of the form are forwarded, through a unit coordinator if appropriate, to the first-line administrator.
2. If the leave is approved by the first-line administrator, two copies of the form are returned to the faculty member.
3. For each pay period, the faculty member granted leave will complete the "Dates of Leave" and "Type of Leave" portions at the bottom of the form; sign and date the form; and return both copies of the form to the first-line administrator.
4. Upon receipt of the signed form, the first-line administrator will complete the "pay status" portion at the bottom of the form; sign and date the form; and forward one copy of the signed form to the payroll office with the bi-weekly faculty attendance voucher.

K. Family and Medical Leave Without Pay

These procedures are applicable to requests for leave without pay subject to the provisions of the Federal Family and Medical Leave Act of 1993 (FMLA). The procedures will be administered in accordance with the provisions of the FMLA.

1. Eligibility

Employees are eligible for up to 12 weeks of unpaid leave if they have

worked for the College at least 12 months and for 1,250 hours over the previous 12 months.

2. Reasons for Leave

Unpaid leave will be granted for any of the following reasons:

- a. To care for an employee's child after birth, or placement for adoption or foster care;
- b. To care for the employee's spouse, son or daughter, or parent who has a serious health condition; or
- c. For a "serious health condition" that makes the employee unable to perform her/his job. A serious health condition for purposes of the FMLA means:
 - (1) An illness or injury that involves an overnight stay in a health care facility and any subsequent treatment in connection with such stay; or,
 - (2) Continuing treatment by a health care provider including any one or more of the following:
 - i. a period of incapacity of more than 3 consecutive, full calendar days and subsequent treatment by a health care provider in-person two or more times within 30 days of the first day of incapacity
 - ii. treatment by a health care provider in-person on at least one occasion which results in a regimen of continuing treatment
 - iii. pregnancy and prenatal care
 - iv. condition which requires visits at least twice a year for treatment by a health care provider over an extended period of time and may cause episodic rather than a continuing period of incapacity
 - v. permanent or long-term conditions
 - vi. conditions requiring multiple treatments by a health care provider including recovery time
- d. A qualifying exigency which occurs while the employee's spouse, son, daughter, or parent who is a reservist, member of the National Guard, or retired member of the Regular Armed Forces or Reserves is on federal active duty or has received a federal call to active duty in support of a contingency operation. A qualifying exigency includes:
 - (1) any issue relating to a short-notice deployment (i.e. within seven calendar days of notification of deployment);

- (2) attendance at military events and related activities, such as pre-deployment briefings and family support sessions;
 - (3) time needed to provide or arrange for childcare or participate in school-related activities with respect to a child or ward of the covered family member;
 - (4) time needed to make or update financial and legal arrangements relating to the covered family member or act as the covered family member's representative with respect to military service benefits;
 - (5) time needed to participate in counseling, where the need for counseling arises from the covered member's active duty or call to active duty;
 - (6) up to five days spent with a covered family member on short-term rest and recuperation leave from a deployment;
 - (7) post-deployment activities, including any official ceremony sponsored by the military, as well as exigencies arising from the death of a covered family member while on active duty status; and
 - (8) additional activities, provided that the employer and the employee agree that such leave shall qualify as an exigency and agree as to the timing and the duration of such leave.
- e. To care for a "covered service member" injured or incurred a serious illness in the line of duty while on active duty. A "covered service member" means a current member of the Armed Forces, including a member of the national Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

An employee is eligible for up to 12 weeks of unpaid FMLA leave in a 12 month period for reasons (a)-(d) above. FLMA includes a special leave entitlement for reason (e) above, that permits eligible employees to take up to 26 weeks of unpaid FMLA leave to care for a covered service member during a single 12 month period.

3. Job Benefits and Protection

- a. For the duration of the leave, the College will maintain group health care coverage under the same conditions as if the

employee were still working.

- b. Employees are entitled to return to their former job or an equivalent position at the end of the leave, except as provided for under the FMLA.
- c. The use of leave under these procedures will not result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

4. Certification

The College will require certification for FLMA leave. The employee must respond to such a request within fifteen (15) days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

To Qualify for Unpaid FMLA Leave:

- a. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition Form
- b. Military family leave certification will be provided using the DOL Certification of Qualifying Exigency For Military Family Leave Form or DOL Certification for Serious Injury or Illness of Covered Service Member for Military Leave Form.

Administrative Approval: September 21, 1987; August 18, 1988; September 27, 1990; February 14, 1992; January 26, 1993; July 28, 1993; March 16, 1994; August 5, 1996; March 6, 1997; July 19, 1999; February 4, 2005 (editorial); September 3, 2010; March 28, 2012; June 24, 2013; February 12, 2018; _____, 2020.

Chapter: Fiscal and Administrative Affairs

Modification No. 003

Subject: **Wellness Activities Programs**

- I. In recognition of the benefits of wellness activities, the Board authorizes the President to provide up to one and one-half hours per week for eligible staff to participate in wellness activities, such as nutrition and stress management workshops, exercise activities, blood pressure monitoring and reduction, and smoking cessation; such released time is to be matched with at least equal hours of the employee's own time for such activities.
- II. Eligible employees, for purposes of such wellness activities, will be regular College personnel who work at least 20 hours per week or temporary employees with benefits.
- III. All other employees are eligible to participate in College sponsored wellness activities when utilizing the employees' own time for such activities.
- IV. Retirees are eligible to participate in College sponsored wellness activities.
- V. Spouses and domestic partners of employees or retirees are eligible to participate in College sponsored wellness activities.
- VI. The President is authorized to establish procedures to implement this policy.

Board Approval: June 20, 1988; May 18, 2009; June 20, 2011.

Chapter: Fiscal and Administrative Affairs

Modification No. 001

Subject: **Wellness Activities Programs**

I. Purpose

To provide time (one and one-half hours per week) for eligible staff to participate in College-sponsored wellness activities.

II. Scope

All regular staff, and temporary staff with benefits who work 20-hours a week during the semester in which they are participating in the program are eligible.

III. Rationale

Recognizing that there are benefits to the College resulting from healthy and productive staff, College-sponsored wellness activities are offered to assist staff in practicing wellness activities on a regular basis. Activity time up to one and one-half hours per week for each eligible employee, which will be matched by one and one-half hours per week of employee time, is provided.

IV. Administration and Implementation

- A. College-sponsored wellness activities will be administered by the individual campuses.
- B. Details of wellness activities available through the campuses will be made available to all staff.
- C. Requests to participate will be addressed to the administrative official of the unit through the immediate supervisor. A "Staff Request for Wellness Activities" form is available at the campuses' Physical Education Office.
- D. Supervisors are expected to inform employees about the program and encourage participation as appropriate.
- E. The program and procedures will be evaluated at the end of the first full year of operation based on the following criteria:
 - 1. Improvement in productivity potential.
 - 2. Improvement in morale potential.
 - 3. Potential for reducing health care costs to the College and the individual.
 - 4. Cost/benefit ratio of the program as a whole.

Administrative Approval: July 1, 1994.

Chapter: Personnel

Modification No. 001

Subject: **Performance Evaluation and Employee Development**

- I. All College personnel shall be evaluated in writing and participate in an evaluation conference with his or her supervisor at least once a year, or within a regular sequence approved by the President, to meet the following general objectives of performance evaluation and employee development:
 - A. To keep personnel informed of current job expectations and how such expectations should integrate with unit goals.
 - B. To identify performance objectives so as to increase the effectiveness and efficiency of the individual's job performance and to accomplish unit goals.
 - C. To promote effective communication between employees and supervisors.
 - D. To provide a record upon which promotions, pay increases, training, awards and other appropriate administrative actions can be based.
- II. All College personnel are encouraged to utilize, as qualified, the various elements of the College's Employee Development Program including orientation programs, individual employee development programs, and campus-based professional development activities.
- III. The President is authorized to establish procedures to implement this policy.

Board Approval: September 21, 1987.

Chapter: Personnel

Modification No. 020Subject: **Performance Evaluation and Employee Development****I. Evaluation of Administrators**

All administrators will be evaluated on an annual basis, with evaluations completed no later than June 30 of each year. Performance evaluations are an integral part of performance management. The Office of Human Resources, Development, and Engagement will provide instruction and training to all administrators concerning the performance evaluation process. Administrators will receive an overall rating of: "Far Exceeds Expectations," "Exceeds Expectations," "Meets Expectations," "Needs Some Improvement," or "Does Not Meet Expectations." Such overall rating, subject to additional criteria determined by the president, will be based on the ratings received in regard to: 1) overall performance of duties and responsibilities as described on the administrator's position description; 2) administrator competencies; and 3) achievement of the annual goals/objectives established by the administrator's supervisor.

II. Evaluation of Associate and Support Staff

- A. The Office of Human Resources, Development, and Engagement will administer a performance evaluation system for associate and support staff (including temporary with benefits staff) as an integral part of the College's personnel management program.

All staff will be evaluated on an annual basis, with evaluations completed no later than August 21 of each year. The Office of Human Resources, Development, and Engagement will provide instruction and training to all administrators concerning the performance evaluation process. Staff will receive an overall rating of: "Far Exceeds Expectations," "Exceeds Expectations," "Meets Expectations," "Needs Some Improvement," or "Does Not Meet Expectations." Such overall rating, subject to additional criteria determined by the president, will be based on the ratings received in regard to: 1) overall performance of duties and responsibilities as described on the staff member's position description; 2) staff competencies; and 3) achievement of the annual goals/objectives established by the staff member's supervisor.

B. Procedures

1. Notification. The Vice President of Human Resources, Development and Engagement shall notify the employee's supervisor of the deadline for all required evaluations. The notification will indicate the purpose of the evaluation, i.e., employee development, the granting of regular status, annual performance, review prior to promotion, etc., and will provide the supervisor with the evaluation form to be used in documenting the process.
2. Orientation Conference. At the beginning of the employee's service, the immediate supervisor shall hold a conference to orient the employee to his or her new work assignment and to explain when, how, and why the employee is to be evaluated. Standards of work shall be used as a basis

for discussion. The current position description, class specification and unit goals should serve as a basis throughout such a conference.

3. Coaching Conversation. When there is evidence that an employee will need to improve before he or she is given regular status, before a salary increment will be recommended, or before other action will be taken, several coaching conversations should be held. The supervisor should make a written record of each conversation, and a copy should be given to the employee. At these times, the employee shall be given specific suggestions for continued improvement in his or her job performance.
4. Evaluation Conference. Evaluation conferences should be scheduled so that the employee will be given advance notice of the appointed time. The employee and the immediate supervisor will participate in the evaluation conference. The evaluator should take this opportunity to discuss areas of strengths and areas needing improvements, and to identify changes that may need to be made in the employee's position description.
5. Non-Concurrence. If the employee does not concur with the evaluation, he or she should sign the evaluation form for the purpose of indicating participation in the evaluation conference, noting his or her non-concurrence, and attach the comments to the evaluation form. Employee disagreements concerning his or her performance evaluation may be appealed to higher supervisory levels but cannot be the basis for a formal grievance.
6. Administrator Review. The appropriate administrator will review and sign evaluations for employees assigned to offices under his or her supervision. In all cases where the employee disagrees with the evaluation and where a negative recommendation results, the appropriate administrator will review the matter with the evaluating supervisor in sufficient detail to reach an informed decision, and will prepare a separate statement of concurrence or disagreement with the recommendation and forward the complete evaluation package to the Vice President of Human Resources, Development, and Engagement.

III. Evaluation of Full-time Faculty

A. Purposes

1. To promote the highest quality instruction (teaching/learning).
2. To encourage the highest quality performance by faculty.
3. To encourage professional growth and development of faculty.
4. To assess strengths and weaknesses in faculty performance.

B. General

1. Student evaluations of all full-time instructional faculty will be conducted each academic year. A minimum of two different sections (preferably

different courses) will be evaluated. The College will identify and provide an instrument for the student evaluation to all instructional faculty. The faculty member may also administer a student evaluation instrument of his/her choice in addition to the standardized instrument and include the results in his/her self-evaluation.

2. All evaluation materials will be handled in a confidential manner. The administrative summary prepared as part of a comprehensive evaluation will be placed in the faculty member's personnel file. Other materials compiled as part of the evaluation (student and peer evaluations, etc.) will be maintained in the office of the appropriate Dean or Provost.

C. Comprehensive Evaluation

1. General

- a. A comprehensive evaluation includes student evaluations, a self-evaluation, a peer review, classroom observations, a departmental chair review, and a Dean summary evaluation.
- b. For new faculty members, the comprehensive evaluation during the first year of employment will focus on faculty performance during the first semester of employment. For other faculty members, a comprehensive evaluation will focus on faculty performance since the last evaluation.
- c. Notwithstanding the schedule below, a faculty member will be required to undergo a comprehensive evaluation during any academic year if such evaluation is determined necessary by the appropriate Dean.

2. Schedule

<u>Appointment Type</u>	<u>Frequency</u>	<u>Due Date (in OHR)</u>
1 Year	Annually	February 15*
3 Year (2 nd year)	Year 2	December 1 – Year 3
6 Year Rolling Term	3 rd academic year 5 th academic year after most recent evaluation	April 1
Rolling Term	Every 5 years	April 1
Tenured		During Academic year

* Faculty appointed in January will begin employment on an 18 month contract and follow the same evaluation schedule as those on a one-year contract.

Additional evaluations may be conducted at the dean's discretion.

D. Standards of Performance

1. Evaluative Criteria

All evaluators will focus on and address each of the following evaluative criteria in all evaluations:

- a. Faculty members shall demonstrate at least satisfactory performance in the teaching/primary assignment, which includes currency in primary subject/assignment area.
- b. Faculty members shall demonstrate professional growth in teaching/assignment area and pedagogy/service techniques.
- c. Faculty members shall demonstrate substantial progress in meeting special objectives from preceding evaluation cycle(s).
- d. Faculty members shall demonstrate professional service to campus and/or College and/or community.

2. Elements

Each of these is of critical importance. Applied as appropriate, they represent a definition of expectation for faculty members. Serious shortcomings in any of these categories must be addressed promptly with carefully developed steps cited to effect improvement. Failure to make improvement incurs the possibility of an unsatisfactory performance rating. Further, it should be noted that, although the comprehensive evaluation takes place in one semester, the process of evaluation continues from one evaluation to another, so that the obligation to perform faculty duties remains and is ongoing. Finally, while all elements are important in assessing faculty performance, and while the responsibilities of faculty members as noted elsewhere in the Policies/Procedure Manual must be considered, peers and administrators will give greatest weight to those elements associated with the faculty member's primary assignment; i.e., teaching or a specific counselor function.

Faculty members will be evaluated considering the following elements:

- a. Instructional Faculty
 - (1) Teaching materials, including syllabi (which must conform to the Montgomery College Syllabus Template as outlined in the Montgomery College Faculty Handbook)
 - (2) Teaching techniques
 - (3) Instructor knowledge of subject matter
 - (4) Availability to students
- b. Counseling Faculty
 - (1) Availability to students
 - (2) Knowledge of counseling theories and techniques (personal and career)
 - (3) Teaching techniques and materials.

(4) Academic (advising and transfer) and career counseling

(5) Resource role to teaching faculty

c. All Faculty (as applicable)

(1) Individual and unit responsibilities

(2) Advising (academic and/or activity) responsibilities

(3) Other responsibilities and activities, such as curriculum development, textbook review and selection, outreach activities, and program accreditation

(4) Interpersonal relations

(5) Professional growth and development

(6) Professional contributions and achievement

(7) Service to students and college and, as appropriate, community

(8) Progress on individual annual objectives

(9) Submission of non-instructional assessment data (College Area Review [CAR] and Outcomes Assessment [OA]) in accordance with established deadlines

(10) Timely submission of student grades and participation in assessment practices.

E. Process

1. Upon the request of any party, the Dean (or Associate Dean) or the department chair/coordinator, and faculty member being evaluated will discuss each component, the schedule, and the process.
2. The components of the faculty performance review include the following:
 - a. Student Evaluations
 - b. Self Evaluation (Form A submitted to the peer review committee)
 - c. Classroom Observation (Form B)
 - d. Peer Review (Form C)
 - e. Department Chair Review (Form D submitted directly to the Dean)
 - f. Dean Summary Evaluation (Form E)
3. Faculty member and department chair/coordinator shall select a peer review committee of 2-3 faculty members from within the same academic department or discipline. A department committee may be established but the faculty member being evaluated is under no obligation to use it and may select his/her own committee with the department

chair/coordinator. One committee member shall be designated as the Lead Peer Reviewer. The committee will compile the results of the peer review and the Lead Peer Reviewer will discuss the results with the faculty member and provide a copy of the completed Peer Review Form to the faculty member and the Dean per number 6 below.

4. Classroom observations (minimum of three) are conducted in accordance with a predetermined schedule. Two members of the Peer Review Committee and the Dean (or Associate Dean) will serve as Classroom Observers. The two Peer Review Committee members and the Dean (or Associate Dean) will each complete the Classroom Observation Form and discuss his/her individual observations with the faculty member and provide copies to the faculty member and to the Dean per number 6 below.
5. The department chair will complete the Chair's Review, discuss the results with the faculty member, and provide a copy to the faculty member and to the Dean. In the event of the evaluation of the department chair, one of the faculty members on the peer review committee will assume the responsibilities of the department chair in the evaluation process with respect to selecting the peer review committee (where no department committee has been established) and completing the Chair's Review.
6. When the performance review packet is complete (self-evaluation, classroom observations and peer review), the department chair or Lead Peer Reviewer is responsible for delivering the packet to the Dean according to the established deadlines
7. Dean will review all information including the student evaluations, the self evaluation, classroom observations, peer evaluation, and department chair's checklist, complete a Dean Summary Evaluation, and hold a conference with the faculty member to discuss the summary. The final "Summary Evaluation" will include a performance rating of "satisfactory" or "unsatisfactory" reflecting the Dean's overall assessment of the faculty member's professional performance; a plan of activities tied to the professional development of the faculty member and, if appropriate, a plan to address specific areas requiring improvement. The form is placed in the faculty member's personnel file, with a copy to the faculty member, chair, and Provost.

F. Appeal of Performance Rating Process

A faculty member who receives a performance rating of "unsatisfactory" may appeal the process that led to the rating in accordance with the steps below.

1. The faculty member must appeal the rating to the campus Provost, in writing, within five (5) working days of receipt of the rating. The Provost will acknowledge receipt of the request, in writing, within five (5) working days of receipt of the written appeal.
2. The provost will take the following action with respect to the appeal: review the process which led to the rating and render a decision regarding it to the faculty member, in writing, within ten (10) working days

of acknowledging receipt of the appeal. As part of that review, the provost will establish a review committee consisting of one administrator appointed by the Provost and one faculty member appointed by the Faculty Council¹, within three (3) working days, to review the rating process which led to the unsatisfactory rating. The review committee will use the following guidelines to conduct their review.

- a. They will review the materials related to the process used to assess each component of the appellant's performance, i.e. student evaluation, peer evaluation, self-evaluation and Dean's evaluation.
- b. They may review materials that the appellant faculty member furnishes them via the Provost, which the faculty member believes are pertinent to the appeal of the evaluation process.
- c. The reviewers may interview the appellant faculty member and the Dean.
- d. The reviewers will each complete his/her review and each submit a written report to the Provost within five (5) working days. The reports will include specific findings with respect to the process or the manner in which the evaluation procedures were applied to the faculty member. The Provost will send a copy of the reports to the Dean, faculty member, and department chair.
- e. Within five (5) working days of receipt of the reports of the reviewers, the Provost will notify the faculty member in writing of his or her final decision.

IV. Employee Development

A program of employee development is available to all of the College's employees. The program includes: an orientation for those who are newly employed; self-development by the individual employee through such benefits as Tuition Waiver and the Educational Assistance Program; group programs using College personnel; enrichment opportunities; and joint or cooperative presentations involving the use of consultants or personnel of other groups, institutions or agencies.

A. Orientation of New Employees

New employees will be given a general orientation by the Office of Human Resources, Development, and Engagement, or designee, when the new employee reports for work. Orientation subjects will include personnel policies, salary arrangements, benefits, and general conditions of employment. Those topics should then be followed by a discussion of such subjects as history of the College, its organization, and the functional relationships of the key offices of the College by the new employee's supervisor. In addition, the supervisor for all new administrators will assure that the new employee visits all campuses of the College and is introduced to other key officials.

¹ As defined by the new governance structure effective May 2012.

B. Individual Employee Development Programs

Individuals are encouraged to utilize the various elements of the collegewide employee development program as established in procedure and implemented by the Office of Human Resources, Development, and Engagement.

C. Guidelines for Developing Campus-Based Professional Development Activities

1. Funds shall be allocated to each individual campus for utilization by the provost to aid in the implementation of campus professional development plans.
2. Funds for staff professional development shall be designated separately from the funds for faculty professional development at the campus level.
3. Each Provost shall develop plans for approval by the appropriate Senior Vice President for professional development which include but are not necessarily limited to:
 - a. Goals, objectives, and rationale for professional development activities for administrators and for faculty.
 - b. Priorities for the types of professional development included within the plan.
 - c. Implementing activities.
 - d. Approximate yearly cost.
 - e. Procedures for the selection of activity participants (must be consistent with the College policies and procedures.)
 - f. Procedures for evaluation of all activities.
 - g. Responsibility assignments.

The plan as developed should be based upon the needs of the campus and be consistent with the mission of the College.

4. Each professional development activity shall, at the conclusion of the activity, be summarized and evaluated in a manner which most appropriately shares results with personnel of the campus and the College.
5. Each Provost shall evaluate annually the results of the program of professional development in terms of the program's objectives and, in the process, shall establish objectives for the next year. This report shall be submitted at a time and in a manner designated by the appropriate Senior Vice President.
6. Funds designated for professional development shall be used primarily to bring to the campus and the College resources which contribute to the achievement of professional development goals. If appropriate and

justified, these funds may also be used to support travel to activities distant from the campus.

7. Campuses may cooperate in certain professional development activities as appropriate to the campuses concerned. In the case of cooperative activities, the cooperating campuses shall determine in advance the proportion of funding to come from each campus and shall provide for joint evaluation of the activities.

D. Scholarly Activities Program

1. General

- a. There is a close and important relationship between scholarship and teaching. In fact, scholarship is essential to quality instruction at a comprehensive community college. Scholarly work is expected as part of the normal effort of Montgomery College faculty, and for that reason it is important for Montgomery College to encourage and support scholarship among the faculty within the context of its overall efforts to encourage faculty professional development and within available resources.
- b. For purposes of this procedure, "scholarship" is defined as the "...organization, criticism and interpretation of facts and thoughts about facts..."* Accordingly, scholarship is much broader than basic research alone, although the two activities are closely related. In a community college setting, scholarship also extends to a range of discipline-related activities which support and supplement effective teaching. (*W.H. Cowley, "Toward Harmonizing the Conflicting Points of View About the Ph.D. Curriculum for Preparing College Teachers," in Toward Better College Teaching, by Fred J. Kelley, U.S. Office of Education, Bulletin 1950, No. 13, pp. 17-22.)
- c. Examples of discipline-related, scholarly activities are provided below. This is not an all-inclusive list. Other reasonable requests will be considered.
 - (1) To conduct or complete the basic research and writing for a scholarly paper or publication.
 - (2) To prepare or complete a work of scholarly synthesis or opinion.
 - (3) To participate in a performing arts activity, such as directing a professional community play or conducting an orchestra.
 - (4) To create or complete an artistic work, such as a painting or a musical composition.
 - (5) To perform discipline-related work in a public or private

setting as a non-paid consultant or intern.

- (6) To hold a major office in a discipline-related local, state, or national professional organization.
- (7) To develop knowledge of state of the art developments in the technologies areas by performing non-paid work in a public or private setting.
- (8) To update teaching and/or professional competence through the reading of an extensive bibliography of works at the cutting edge of the discipline, as part of a pre-planned program.

- d. In this procedure, references to instructional deans shall be interpreted to encompass campus Deans of Student Development and campus Directors of Educational Support Services. References to provosts shall encompass the Director of Educational Support Services.

2. Responsibilities

The scholarly activities program is administered on the campus level by the Instructional Deans.

3. Eligibility

Full-time faculty members are eligible to apply for participation in the program after they have been employed full-time at the College for at least three full academic years. When all other considerations are the same, more senior faculty will be given first priority.

4. Procedure

- a. Eligible instructional faculty may apply for up to 3 ESH alternate time in a semester, once every four academic years, or 4 ESH every five years, or 5 ESH every six years, to participate in a program of scholarly activity. Non-instructional faculty may request up to 8 hours per week alternate time in a semester, once every four academic years; or 11 hours per week every five years, or 13 hours per week every six years. Alternately, non-instructional faculty may request up to 15 consecutive days in a semester, once every four academic years, or 17 days every five years, or 20 days every six years.
- b. Faculty shall apply to participate in the program directly to the appropriate Instructional Dean. The request, in the form of a memorandum, shall include a description of the activity to be undertaken and an indication of how the activity fits into the faculty member's overall program of professional development. The memorandum will also include the semester (fall or spring) that the faculty member would like to participate and the amount of alternate time requested (up to 3 ESH).

- c. Faculty will be asked to make requests well in advance in order to assure that classes can be scheduled properly and conflicts avoided.
- d. In reviewing proposals, Instructional Deans will take into account the need to schedule and staff course offerings, full-time/part-time faculty ratios, and similar considerations. If requests are denied because of such considerations, the Dean will endeavor to give the faculty member priority in a subsequent semester. Alternate time will not be approved for any activity for which the faculty member receives a salary or similar payment.

5. Faculty Responsibilities

- a. At the conclusion of the semester in which a faculty member participates in the program, a report of the activities undertaken will be forwarded to the Instructional Dean. The report may be a written one, but it is more desirable if it takes the form of a formal or informal presentation to other Montgomery College faculty, a performance or show of artistic work, or some other activity which serves to share and disseminate the knowledge gained from the program among faculty, staff, and students at the College.
- b. Written reports will be submitted to the Dean within 60 days of the completion of the semester in which the activities took place. Formal or informal presentations will take place during the semester following the semester in which the activities were undertaken.

E. ITI Enhancement Program

1. Overview

The Information Technology Institute (ITI) Enhancement Program provides full-time faculty members in information technology academic areas or disciplines (e.g. CA/CS/ITI) an opportunity to pursue professional development in new technologies during the fall or spring semester. Selected faculty members will be awarded up to 15 ESH assigned time during the semester in which they participate. All full-time faculty members in information technology disciplines are eligible to apply for this professional development program.

2. Application Process

- a. Each spring, eligible faculty members will be offered an opportunity to participate in the program during the following fall and spring semesters. The detailed announcement will include the number of awards available and information regarding the areas of priority need in which applications will be accepted. The announcement is normally distributed by February 15.
- b. Applicants must complete an application form describing the

training and other activities they would undertake if selected for the ITI Enhancement Program, expected outcomes, and other information, and must submit the form by the designated deadline date. The normal deadline date is no later than April 15.

3. Responsibilities

- a. The Director of the Information Technology Institute is responsible for administering the ITI Enhancement Program. The Director is assisted by an ITI Leadership Group in selecting priority areas of College need, reviewing applications, and interviewing candidates. The final decision regarding faculty selections is made by the Director of the Information Technology Institute, who will consult with the appropriate Dean before making the final decision.
- b. The Director will notify the Vice President of Human Resources, Development and Engagement, as well as the appropriate Dean and chair, of the faculty members selected for the program, and will identify the specific faculty positions previously established for any necessary faculty replacements.

4. Obligations

- a. Faculty recipients agree to devote assigned time to the purpose of the program during the period of participation; to complete a report describing accomplishments during the period of participation within 30 days of completion of program participation; and to remain in the employment of the College for up to two years following the completion of the program.
- b. If the faculty recipient fails to meet the full employment obligation for the period required, the faculty member shall reimburse the College for monies paid to the faculty member, or on the faculty member's behalf, while the faculty member was a participant in the ITI Enhancement Program. The reimbursable amount due is pro-rated to reflect the amount of ESH awarded to the faculty member and the length of time that the faculty member remained employed at the College after the program was completed.

V. Evaluation of Part-Time Faculty

A. Purposes

Regular evaluation is important for both the part-time faculty member and for the discipline/department for the following reasons:

1. to promote the highest quality instruction, counseling, and/or advising and encourage the highest quality performance by the part-time faculty member;
2. to provide feedback to the part-time faculty member on his/her teaching, counseling, and/or advising regarding strengths and possible areas

needing attention or improvement;

3. to confirm that discipline and course outcomes are met and ensure that quality instruction is offered to students; and
4. to provide the part-time faculty member with information regarding mentoring and/or professional development.

B. General

This collegewide plan establishes the minimum for evaluation of part-time faculty. However, the department may observe and evaluate a faculty member more frequently.

C. Frequency

Part-time faculty will be evaluated at the following times.

1. During the first semester of teaching, counseling or advising and during the first assignment to an additional course, the part-time faculty will be observed by a full-time faculty member in the department. Observation should be done early in the semester (preferably before midterm to allow for mentoring/intervention, if needed). In some instances, a second observation may be scheduled. The observer will share his/her observation promptly with the part-time faculty member following the observation.
2. Part-time faculty will be observed at least once every three years. With the exception of the first semester of employment, class observations will be completed by the time 80% of the course has been completed (e.g., in 15-week courses, this would be the twelfth week of the semester).
3. More frequent observations may be required by the department chair or the Dean.
4. Part-time faculty may request to be observed more frequently than required by this section.

D. Process

1. Upon the request of any party, the Dean (or Associate Dean) or the department chair/coordinator, and faculty member being evaluated will discuss each component, the schedule, and the process.
2. The part-time evaluation and observation forms will be made available to the part-time faculty member early in the semester of the evaluation. A faculty observer, who is full-time, will be assigned by the department chair or course group/discipline coordinator early in the semester. The part-time faculty member may request an additional observer from among the full-time faculty, subject to approval by the Dean. The signed observation form is to be submitted to the department chair and then to the Dean, who places it in the part-time faculty member's personnel file.

3. The components of the part-time faculty performance review include the following:
 - a. Classroom or Advising/Counseling Observation of Part-time Professor Form
 - b. Student evaluations
 - c. Summary Form for Part-Time Faculty Comprehensive Evaluation (used only during comprehensive evaluation; see below)
4. Following a classroom observation, the observer will confer with the part-time faculty member to discuss the review. The signed classroom observation form is to be submitted to the department chair and then to the Dean, who places it in the part-time faculty member's personnel file.
5. Student evaluations will be conducted regularly.
6. The classroom observation, including plans for improvement, and student evaluation information are to be kept in the part-time faculty member's personnel file.

E. Comprehensive Evaluation

1. The part-time faculty member will undergo a comprehensive evaluation every three years or prior to a request for advancement in rank (or more often, at the discretion of the department chair or Dean). The comprehensive evaluation consists of a review of the following:
 - a. current and previous classroom observations, completed since the most recent comprehensive evaluation;
 - b. current and previous student evaluation information, completed since the most recent comprehensive evaluation;
 - c. instructional materials on file (e.g., syllabi, handouts, tests, assignments);
 - d. any non-instructional activities assigned since the most recent comprehensive evaluation; and
 - e. any other materials the part-time faculty member chooses to submit.
2. A summary evaluation statement will be written by the departmental representative who is conducting the evaluation using the Summary Evaluation Form for Part-Time Faculty Comprehensive Evaluation.
3. The summary will be shared with the part-time faculty member being evaluated. The signed summary evaluation statement form is to be submitted to the department chair and then to the Dean, who places it in the part-time faculty member's personnel file.

July 30, 1993; October 16, 1993; May 28, 1993; November 18, 1996; November 20, 1996.;
May 28, 1999; June 7, 2000; May 6, 2002, September 10, 2007; May 6, 2008; August 14, 2009;
October 12, 2009 (Administrative correction); August 31, 2010; November 8, 2011; July 11, 2012;
December 20, 2012.

Chapter: Personnel

Modification No. 001

Subject: **Personnel Files**

- I. In the day-to-day operations of the College, employees must often utilize information of a confidential nature in order to carry out their jobs. It is a major responsibility both ethically and legally for all employees to safeguard and properly use this information.
- II. The personnel record of any past or present employee of the College is considered a confidential record of the College. It is the College's policy to safeguard the privacy of its employees by restricting access to personnel files and records when access is restricted or denied by law. To the extent permitted by law, employees have the right to examine their personnel files and other records concerning their employment; the right to submit materials to correct, rebut or clarify any information contained in those files or records; and the right to have materials not related to employment or official duties excluded from their records. Only information which is relevant and necessary to accomplish the purpose of the College may be maintained in personnel files and records.
- III. The President is authorized to establish procedures to implement this policy.

Board Approval: September 21, 1987.

Chapter: Personnel

Modification No. 003

Subject: **Personnel Files**

I. Staff Personnel Files

A. Types of Files

The College maintains one (1) official personnel file for support, associate, and administrative staff employees.

1. Official Personnel File

The Chief Human Resources Officer or designee is responsible for the compilation and administration of the central personnel file for all staff employees.

A staff employee shall have the right to inspect his or her own personnel file or have his or her personnel file reviewed by his or her duly authorized representative, designated as such in writing by the individual, in accordance with the following procedures:

- a. An appointment must be made for the review with the Chief Human Resources Officer or designee.
- b. The letters of reference and certain medical records (see below) will be removed from the file by the Chief Human Resources Officer prior to the review session.
- c. The entire review is conducted in the Office of Human Resources and no material is permitted to leave the room or to be removed from the file.
- d. An employee may obtain copies of the material reviewed to the extent duplication is permitted. One copy of each document in the file may be photocopied for the employee free of charge. A fee will be charged for any additional copies. The photocopying fee will be the same as the fee charged for reproduction of materials requested pursuant to the College policies and procedures regarding inspection of public records.
- e. The official personnel file consists of:
 - (1) The official contract for employment for administrative staff or a copy of the offer letter for support and associate staff.
 - (2) Other legal documents related to employment.
 - (3) Letters of reference and recommendation, transcripts, university and college placement papers, and other

material related to initial appointment.

- (4) Original application for employment.
- (5) Copies of personnel action sheets, contractual letters, and other documents which authorize the payment of salary.
- (6) Documents and copies of forms related to insurance, retirement, fringe benefits, leave authorization and personnel compensation.
- (7) Evidence of compliance with the legal aspects of employment.
- (8) Materials related to the required performance evaluation procedures and associated documentation.
- (9) The results of skills tests as required for employment.
- (10) Archival records of noteworthy achievements that provide biographical data for appropriately acknowledging the individual on special occasions.
- (11) Correspondence and memoranda relevant to the individual's employment and association with the College. This category shall be held to a minimum and shall be placed in the file only if the employee is provided an information copy.

B. Administration of and Access to Files

1. Official Personnel File

- a. The official personnel file is kept in the College Human Resources Office. Chief Human Resources Officer or designee is responsible for the security of this file until such time as it is deposited in the College Archives in accordance with the provisions of the Comprehensive Records Schedule.
- b. With the exception of a confirmation of employment or verification of salary by the Chief Human Resources Officer or designee or designee, no information in the files about an employee will be given over the telephone by anyone.
- c. This file is open on an as-need-to-know basis to the employee and any College employee who supervises the employee, except as provided herein. The file is also open to the President, the Senior Vice Presidents, Chief Human Resources Officer, the Director of Employee Engagement and Labor Relations and to other College employees, as designated by those individuals, who require access in order to carry out the responsibilities of their positions.

- (1) Letters of reference are not available for inspection by the employee, in accordance with applicable law.
- d. An individual employee has the right to respond in writing to any material in the file. He or she may prepare a statement in response and may include evidence in support of the response in the file. If the individual desires to make no statement in response, he/she may so state in writing.
- e. A supervisor of one or more College employees shall have the right to review the personnel file of an employee when:
 - (1) The employee works under his or her supervision and access to the file is deemed necessary for the normal conduct of supervisory responsibilities, or when
 - (2) An employee has made written application for transfer or promotion to a position under his or her supervision.

Such review of an employee's personnel file shall be conducted under the same conditions as described above.
- f. Individuals other than those identified above who wish to obtain file information about an employee must submit their request in writing to the Chief Human Resources Officer or designee.
- g. In the event a duly authorized subpoena is issued for the release of records, notification of such subpoena action shall be given to the General Counsel for appropriate action.

II. Full-Time Faculty

A. Types of Files

The College maintains one official personnel file for full-time faculty.

1. Official Personnel File

The official personnel file consists of:

- a. Letters of appointment, reappointment, and non-reappointment.
- b. Other legal documents related to employment.
- c. Letters of reference, original application of employment, official transcripts, placement papers, and other materials related to initial employment.
- d. Original application for employment.
- e. Copies of personnel action sheets, contractual letters, and other documents that authorize the payment of salary.

- f. Copies of forms related to insurance, retirement, fringe benefits, leave authorization, and personnel compensation.
- g. Evidence of compliance with the legal aspects of employment.
- h. Correspondence and memoranda relevant to the individual's employment and association with the College. This category shall be held to a minimum and shall be placed in the file only if the employee is provided an information copy.
- i. Materials related to the required performance evaluation procedures.
- j. Archival records of noteworthy achievements that provide biographical data for appropriately acknowledging the individual on special occasions.

B. Location of Files

The official personnel file is located in the office of the Vice President and Provost on the campus to which the faculty member is assigned for accounting purposes. The Vice President and Provost is responsible for the security of this file.

C. Administration of and Access to Files

The degree of access authorized to a faculty member's personnel file is determined by the legitimate need of the inquirer. Information authorized to be given to various sources, and the persons permitted access to the records are indicated below. With the exception of a confirmation of employment by the Chief Human Resources Officer, or designee, no information about a faculty member will be given over the telephone by anyone.

1. Official Personnel File

- a. The official personnel file is administered by the campus Vice President and Provost, who is responsible for the compilation of the file, the placement of all materials in the file, and for its security until such time as it is deposited in the College Archives. The Vice President and Provost shall also determine whether or not material not specifically identified above shall be placed in the file.
- b. The file is open to the President, the Senior Vice Presidents, Chief Human Resources Officer, the Director of Employee Engagement and Labor Relations, and to other College employees, as designated by those individuals, who require access in order to carry out the responsibilities of their positions.
- c. A faculty member has the right to the review of his/her personnel file by himself/herself or by his/her duly authorized representatives designated as such by the individual, in

accordance with the following procedures:

- (1) An appointment must be made for the review with the Vice President and Provost, or designee.
 - (2) Letters of reference, including those which are part of College placement papers, are not available for inspection by the faculty member, in accordance with applicable law.
 - (3) The entire review is conducted in the office of the Vice President and Provost and no material is permitted to leave the room or to be removed from the file during the review.
 - (4) The faculty member may request copies of materials in the official personnel file, except for letters of reference, and transcripts or other items supplied to the College upon condition that they not be duplicated or where disclosure is prohibited by law. One copy of each document in the file may be photocopied for the faculty member free of charge. A fee will be charged for any additional copies. The photocopying fee will be the same as the fee charged for reproduction of materials requested pursuant to the College policies and procedures regarding inspection of public records.
- d. College personnel not named above are permitted access to the official personnel file in accordance with the following procedures:
- (1) Prior to the individual's initial appointment, the file is open to campus personnel authorized by the Vice President and Provost to assist in the pre-appointment evaluation.
 - (2) After the initial appointment, the file is open to supervisory campus administrators with the approval of the Vice President and Provost. Campus administrators must review the file in the office of the campus Vice President and Provost, so that at no time will the file leave that office.
 - (3) All other requests by College personnel for access to the official personnel file shall be directed to the appropriate campus Vice President and Provost, through normal administrative channels. The Vice President and Provost will determine if the requester is granted access to the file and the documents which the requester may review.
- e. Non-College personnel may request access to the official personnel file. Such requests must be in writing and will be

processed in accordance with College policies and procedures regarding the inspection of public records.

- f. In the event a duly authorized subpoena is issued for the release of records, notification of such subpoena action shall be given to the General Counsel for appropriate action.

III. Part-Time Faculty

A. Types of Files

1. Official Personnel File

The College will maintain one (1) official personnel file for part-time faculty. The official personnel file of part-time faculty shall be administered by the Office of Human Resources.

The file consists of:

- a. Letters of employment.
- b. Other documents related to employment.
- c. Transcripts. Candidates must provide for the College to receive official transcripts of all credits claimed for the highest two degrees earned plus related subsequent academic work.
- d. Employee's Withholding Exemption Certificate (W-4). Specific instructions are given on this form as to the method for claiming withholding exemptions.
- e. Employee's Maryland Withholding Exemption Certificate/Certificate of Non-Resident in the State of Maryland
- f. Appropriate employment verification forms required under Federal law
- g. Three letters of reference indicating professional competence, to be requested by department chairpersons, coordinators, instructional deans, or appropriate supervisors, based upon references cited in the application. Telephone references may be substituted for letters of reference under the following conditions:
 - (1) The conversations are fully documented by memorandum,
 - (2) The conversation is with a department chairperson, or equivalent supervisor of the faculty member being considered (not another faculty member of the department), and
 - (3) A synopsis of the conversation is included in the memorandum, as well as the date and name of the person with whom the conversation was held.

- h. Copies of personnel action forms, and other documents which authorize the payment of salary.
- i. Materials related to the required performance evaluation procedures.
- j. Documents related to rank and advancement
- k. Document related to disciplinary actions
- l. Archival records of noteworthy achievements that provide biographical data for appropriately acknowledging the individual on special occasions.

B. Access to File

The file is open to the President, the Senior Vice Presidents, the Vice President/Provost, the Chief Human Resources Officer, Director of Employee Engagement and Labor Relations and to other College employees, as designated by those individuals, who require access in order to carry out the responsibilities of their positions.

An employee shall make all requests for access to his or her personnel file to the Chief Human Resources Officer. With the express permission of the employee, a Union representative may be present with the employee when an employee reviews his or her personnel file. Upon reasonable notice, an employee will be provided with a photocopy of any item(s) in his or her file.

Administrative Approval: September 21, 1987; September 27, 1990; August 24, 2010.

Chapter: Personnel

Modification No. 008Subject: **Recognition Awards****I. Purpose**

The purpose of recognition awards is to recognize exceptional, outstanding, distinguished, sustained, or special service to the College, the academic profession, the County, the State, or the nation by individuals or groups.

II. Awards

The following awards are authorized by the Board of Trustees:

A. Gold Medallion

This award recognizes exceptional service and nationally recognized presidential leadership in higher education. A retiring College President may be recommended for this award. Where criteria for award are met, medallions may be awarded posthumously. The award is approved by Board of Trustees' resolution.

Criteria

The award of a Gold Medallion shall be made after intensive review of the recommendation in order to ensure that only truly exceptional leadership and dedication is recognized and that rigorous criteria have been applied and satisfied. In addition, there must be specific acts of documented, exceptional service which have been generally recognized as placing the individual in a category well above others who have rendered sustained outstanding or distinguished service. Consideration will be given to the length of time which the individual has devoted to College service, but the exceptional quality of the service remains the most important criteria.

B. Silver Medallion

This award recognizes outstanding service to the College, the academic profession, the County, the State, or the nation. Departing members of the Board of Trustees, retiring College faculty, administrators and staff, and friends of the College may be recommended for this award. Where criteria for award are met, medallions may be awarded posthumously. The award is approved by Board of Trustees' resolution.

Criteria

The award of a Silver Medallion will be made after intensive review of the recommendation in order to ensure that only truly outstanding service is recognized and that rigorous criteria have been applied and satisfied. In addition, there must be a specific act or acts of documented, outstanding service which have been generally recognized as placing the individual in a category well

above others who have rendered sustained and distinguished service. Consideration will be given to the length of time which the individual has devoted to College service, but the outstanding quality of the service remains the most important criteria.

C. Bronze Medallion

This award recognizes distinguished service to the College. Departing members of the Board of Trustees, retiring College faculty, administrators and staff, and friends of the College may be recommended for this award. Where criteria for award are met, medallions may be awarded posthumously. The award is approved by Board of Trustees' resolution.

Criteria

Distinguished service to the College is the primary criterion to award a Bronze Medallion. To recommend the award, individuals should carefully document the specific act or acts of distinguished service to the College that warrant such an award. With respect to departing employees, a record of documented, distinguished performance over an extended period of time would form a sufficient basis for award of a Bronze Medallion.

D. President, Administrator and Faculty Emeritus/Emerita

This award is given in recognition of a retiring president, administrators, and faculty in accordance with the procedures described herein. Where criteria for award are met, emeritus/emeraliti status may be awarded posthumously. The award is approved by Board of Trustees' resolution.

E. Trustee Emeritus/Emerita

This award is given in recognition of service by former members of the Board of Trustees as specified in the procedures described herein. The award is approved by Board of Trustees' resolution.

F. Retirement Recognition

This award recognizes retiring full-time faculty and regular administrative, associate and support staff for their years of service and dedication to the College. The award is approved by Board of Trustees' resolution.

G. Tribute

This award honors full and part-time faculty and regular administrative, associate and support staff who decease while employed with the College. The award is approved by Board of Trustees' resolution. Where criteria for award are met, the individual may be recommended for a medallion award and/or emeritus/emeraliti status posthumously.

III. Other Awards

A. Recognizing Acts of Heroism

In recognition of an exceptional act or an act of heroism, an employee will be honored in a public ceremony. He or she may be granted a cash award and/or a certificate recognizing the act of honor.

B. Awards of Appreciation

Any member of the community at large; departing members of Board advisory committees, scholarship donors, friends of the College, and College employees are eligible for an award of appreciation.

IV. Implementation of Policy

The President is authorized to establish procedures to implement this policy and all other recognitions and awards that do not require the Board of Trustees' authorization.

Board Approval: September 21, 1987; March 20, 1989; October 28, 1991; June 15, 1992; September 18, 2000; June 19, 2006; April 13, 2009; January 29, 2020.

Chapter: Personnel

Modification No. 016Subject: **Recognition Awards****I. Recognition Awards General**

A nomination process, including specific criteria, eligibility, timelines, and approved monetary amounts, for all Full-Time faculty, Part-Time faculty, Administrator, and Staff Awards shall be announced at the beginning of the academic year and allow members of the College community to nominate individuals through submission of a nomination form, along with any required supporting documentation.

II. Full-Time Faculty Awards**A. Outstanding Awards and Full-Time Faculty of the Year****1. Outstanding Faculty Awards**

The Outstanding Faculty Awards provide the College community with an opportunity to recognize excellence in a variety of positions at the College and add a special dimension to the awards the College already provides. The award categories for full-time faculty include:

- a. Excellence in Teaching
- b. Excellence in Counseling and Academic Advising
- c. Excellence in Scholarly or Professional Accomplishments
- d. Excellence in Service to the College and/or Community

2. Full-Time Faculty Member of the Year

The Montgomery College Full-time Faculty of the Year Award is intended to recognize an individual faculty member who has sustained excellence in all classifications: in teaching or counseling/academic advising, in scholarly or professional accomplishments, and in service to the institution and/or the community.

B. Eligibility

1. A current full-time faculty member who has been a full-time faculty member at the College for at least 3 years is eligible for any one of the above awards.
2. A faculty member may receive the same award more than one time as long as at least 7 years have intervened.
3. If a faculty member has received one award, they may receive an award in another category as long as 2 years have intervened.
4. Chairs are eligible to be nominated and to receive any of the above awards.

5. Every full-time faculty member at Montgomery College is eligible to be nominated, even if the individual received a Faculty Outstanding Award, but not if the individual received a Faculty of the Year Award.

C. Awards

Monetary awards will be the same for all Outstanding Faculty Awards. The amount of the award will depend on the College's financial situation. The monetary award for Full-Time Faculty of the Year will be higher, but will also depend on the College's financial situation.

D. Outstanding Faculty Awards Committee

1. The Montgomery College Outstanding Faculty Awards Committee (MCOFA) shall consist of the following members:
 - a. Five (5) faculty (including at least one counseling faculty) selected by Faculty Council;
 - b. One (1) Faculty Chair of the Committee, usually the previous year's Full-Time Faculty of the Year appointed by the President;
 - c. Two (2) administrators appointed by the President
2. The MCOFA is charged with reviewing all Outstanding Faculty Award nominees and will select the Full-Time Faculty of the Year Award from the pool of applicants for that year.
3. Members of the MCOFA cannot be nominated for an Outstanding Faculty Award; however members of the committee can nominate other faculty.
4. The Faculty of the Year award winner will be invited to be a member of the MCOFA, as a sixth faculty member, the year following their award.

E. Announcement of Awards

The President of Montgomery College will announce the awards at the same time and place, typically the Closing Meeting of the spring semester.

III. Part-Time Faculty Awards

A. Outstanding Awards and Part-Time Faculty of the Year

The Outstanding Part-Time Faculty Awards provide the College community with an opportunity to recognize excellence among the College's part-time faculty in a variety of roles. The award categories for part-time faculty include:

1. Outstanding Awards
 - a. Excellence in Teaching/Counseling
 - b. Excellence in Scholarly or Professional Accomplishments
2. Part-Time Faculty Member of the Year

The Montgomery College Part-time Faculty of the Year Award is intended to recognize an individual part-time faculty member who has sustained excellence in all classifications: in teaching or counseling/academic advising, in scholarly or professional accomplishments, and in service to the institution and/or the community.

B. Eligibility

1. A current part-time faculty member who has been a part-time faculty member at the College for at least 3 years is eligible for any one of the above awards.
2. A part-time faculty member may receive the same award more than one time as long as at least 7 years have intervened.
3. If a part-faculty member has received an award, they may receive an award in another category as long as 2 years have intervened.

C. Awards

Monetary awards will be the same for all Part-Time Faculty Awards. The amount of the awards will depend on the College's financial situation. The monetary award for Part-Time Faculty of the Year will be higher, but will also depend on the College's financial situation.

D. Outstanding Part-Time Faculty Awards Committee

1. The Montgomery College Outstanding Part-Time Faculty Awards Committee (MCOPFA) shall consist of the following members:
 - a. Five (5) part-time faculty (including at least one counseling faculty) selected by Faculty Counsel; of these five, the President will appoint the chair of the committee;
 - b. Two (2) administrators appointed by the President
2. The MCOPFA is charged with reviewing all Outstanding Part-Time Faculty Award nominees and will select the Part-Time Faculty of the Year Award from the pool of applicants for that year.
3. The Part-Time Faculty of the Year award winner will be invited to be a member of the MCOPFA the year following their award.

E. Announcement of Awards

The President of Montgomery College will announce the awards at the same time and place, typically the Closing Meeting of the spring semester.

IV. Full- and Part-Time Staff Awards

A. Outstanding Staff Awards and Staff Member of the Year

1. Outstanding Staff Awards

The Outstanding Staff Awards provide the College community with an

opportunity to recognize excellence in a variety of positions at the College and add a special dimension to the awards the College already provides. The award categories for staff include:

- a. Excellence in Performance
- b. Excellence in Customer Service
- c. Excellence in Innovation
- d. Excellence in Serving Students

2. Staff Member of the Year

The Montgomery College Staff of the Year Award is intended to recognize and inspire staff members who consistently exemplify and sustain excellence and exceptional performance, leadership, and service that have a broad impact on the college-wide community.

B. Eligibility

1. An active full-time or part-time staff member in good standing who has been employed by the College for three (3) consecutive years or more.
2. A staff member may receive the same award more than one time as long as at least seven (7) years have intervened.
3. If a staff member has received one award, they may receive an award in another category as long as 2 years have intervened.

C. Awards

Monetary awards will be the same for all Outstanding Staff Awards. The amount of the award will depend on the College's financial situation. The monetary award for Staff Member of the Year will be higher, but will also depend on the College's financial situation.

D. Outstanding Staff Awards Committee

- 1) The Montgomery College Outstanding Staff Awards Committee (MCOSA) shall consist of the following members:
 - a. Five (5) staff members selected by Staff Council;
 - b. One (1) Staff Chair of the Committee, usually the previous year's Staff Member of the Year appointed by the President;
 - c. Two (2) administrators appointed by the President
- 2) The MCOSA is charged with reviewing all Outstanding Staff Award nominees and will select the Staff Member of the Year Award from the pool of applicants for that year.
- 3) Members of the MCOSA cannot be nominated for an Outstanding Staff Award; however members of the committee can nominate other staff members.
- 4) The Staff Member of the Year award winner will be invited to be a member of the MCOSA, as a sixth staff member, the year following their award.

E. Announcement of Awards

The President of Montgomery College will announce the awards at the same time and place, typically the Closing Meeting of the spring semester.

F. Other Staff Awards

1. Staff Distinguished Service Award

The Staff Distinguished Service Award is an award established from an Endowment Fund left by Ms. Peggy Beebe, former special assistant for staff concerns, to be presented yearly to a deserving staff employee as determined by their peers.

a. Eligibility and Criteria

A nominee must be a regular staff employee with a minimum of five (5) years of service have demonstrated or performed a high degree of service for the benefit of staff employees at Montgomery College to one or more of the following:

- (1) Served as a staff representative in the governance system
- (2) Served as a committee chair or member on standing governance committee representing staff concerns
- (3) Served as a committee chair on a college/campus-wide committee representing staff
- (4) Nominee would have performed a high degree of service affecting staff within a College unit
- (5) Nominee would have performed a distinguished service or implemented a plan or idea which would positively impact staff at Montgomery College.

b. Award

Awards are lump sum cash awards according to the dollar amounts authorized annually and subject to the availability of funds.

c. Staff Distinguished Award Committee

Members of the Staff Enrichment Day Committee are charged with reviewing all applications, in consultation with Human Resources and Strategic Talent Management (HRSTM) to ensure employee eligibility, and selecting the recipient of the Staff Distinguished Award.

d. Announcement of Award

The recipient of this award will be announced during the Staff Enrichment Day celebrations. Such award (and reasons therefore) shall be made a part of the employee's personnel file.

2. Special Recognition Award¹

The purpose of the Special Recognition Award is to reward staff employees for demonstrating extraordinary initiative in performing a specific work related task or providing outstanding customer service to others at a particular time or event.

a. Eligibility

- (1) An active full-time or part-time staff member in good standing.
- (2) A staff member may be eligible for the award only once every fiscal year.
- (3) Nominations can be made by a supervisor or a peer.

b. Award

Awards are lump sum cash award (less taxes) according to the dollar amounts authorized annually, allocated proportionately across divisions, and subject to the availability of funds.

c. Procedures

1. HRSTM will solicit nominations and announce the availability of funds on a quarterly basis.
2. All nominees will be reviewed by the Office of Human Resources and Strategic Talent Management.
3. HRSTM will confirm with the supervisor that the individual is in good standing and meets eligibility criteria.
4. Upon approval, HRSTM will forward a recognition certificate to the nominated employee.
5. HRSTM will track and allocate awards proportionally by division to ensure equitable distribution of funds.

V. Administrator Leadership Awards

A. Administrator Leadership Awards provide the College community with an opportunity to recognize excellence among the College's administrators. The award categories for administrators include:

1. Excellence in Leading a Collegewide Initiative
2. Excellence in Innovation
3. Excellence in Serving Students

B. Eligibility

¹ The Special Recognition Award process outlined below will be effective July 1, 2020.

1. A current administrator who has served in that role at the College for at least 3 years is eligible for any one of the above awards.
2. An administrator may receive the same award more than one time as long as at least 7 years have intervened.
3. If an administrator has received one award, they may receive an award in another category as long as 2 years have intervened.

C. Awards

Awards will be non-monetary and will consist of a collegewide recognition of the administrator's service.

D. Procedures

1. Administrators may be nominated by peers or supervisors.
2. All nominees will be reviewed by the Senior Administrative Leadership Team (SALT).
3. Awards will be determined by the President upon recommendation of SALT.

E. Announcement of Awards

The awards will typically be announced by the President at the all administrators leadership conference.

VI. Equity and Inclusion Award

A. Purpose

The Equity and Inclusion Award recognizes students, faculty, and staff who have demonstrated exemplary accomplishments in advancing equity, inclusion, and diversity. These individuals serve as leaders through their contributions in making Montgomery College and/or their local community more inclusive by creating an environment where all individuals are valued and respected.

B. Eligibility and Criteria

A total of nine awards will be given: one full-time faculty; one part-time faculty; two staff; one administrator; and one student from each campus including Workforce Development and Continuing Education. A nominee must be a student currently enrolled at the College or a current full- or part-time faculty or staff member who satisfies two or more of the following:

1. Demonstrates work to promote social justice, equity, inclusion, and diversity across the College as an advocate, activist, teacher, or learner
2. Facilitates opportunities to learn and bring people from different backgrounds in the College together
3. Participates, develops, and promotes programs or events that support equity awareness and intercultural engagement efforts
4. Demonstrates a high level of commitment to equity in service, teaching, and

- scholarship
- 5. Understands and demonstrates how equity and diversity are integral to the mission and values of Montgomery College
- 6. Displays commitment to valuing equity and inclusion above and beyond assigned job duties
- 7. Serves as an advocate for the interests of under-served populations
- 8. Effectively implements an aspect of the Equity and Inclusion Roadmap for Success (effective for FY21 and future awards only)

C. Selection Committee

Nominations are reviewed by a committee comprised of members selected from each of the four campus governance councils, a member of the student council, representation from the staff council from Central Services, and representation from the Office of Equity and Inclusion.

D. Announcement of Award

The President will announce the awards at the same time and place, typically the Closing Meeting of the spring semester for employees and at the Equity Summit for students.

VII. Team Effort Award

A. Purpose

The purpose of the Team Effort Award is to recognize the skills and accomplishments of College community members who achieved the following by working as a team:

- 1. effectively shared the responsibilities;
- 2. successfully completed tasks;
- 3. interacted with each other to achieve specific goals and desired outcomes; and
- 4. collaborated with units internal and external to the College community.

B. Award

The award shall consist of a certificate of commendation for each individual, and each certificate shall be signed by the President.

C. Procedures

The Team Effort Award will reside in the Office of the President and will be awarded by the President, at the recommendation of the President's Executive Cabinet. Individuals who wish to nominate members of the College community for the Effective Team Effort Award should forward a memorandum to the Office of the President which responds to the following criteria:

- 1. Project must be completed. Memoranda and supporting documents recommending the team award must be submitted to the President's Executive Council within ninety (90) days of the completion of the project.

2. Work for the project must be beyond the scope of the unit's regular duties and responsibilities.
3. Project team members must demonstrate successful collaboration with units internal and/or external to the College community.
4. Contributions of each project team member must be briefly documented by the recommending official.

VIII. Length of Service Award

This award recognizes sustained, creditable service to the College by employees. The award is approved by the President.

A. Eligibility

Full-time faculty and staff will be presented a suitable award upon completion of certain intervals of sustained, creditable full-time service with the College.

B. Award

A certificate and an appropriate decorative pin will be awarded upon completion of 10 years of consecutive full-time service with the College, and at each 5-year interval thereafter. The President or designee will present the certificate and pins at appropriate ceremonies throughout the year.

C. Responsibility

The Chief Human Resources Officer is responsible for the design of the certificate and pin, the identification of eligible persons, and the preparation and processing of certificates.

IX. Retirement Recognition

A. Purpose

The purpose of the Retirement Recognition is to recognize retiring Full-time Faculty and regular administrators and staff for their years of service and dedication to the College. The Retirement Recognition is approved by Board of Trustees' resolution.

B. Preparation of Retirement Resolution

1. Faculty, administrators, and staff will provide their letter of resignation to the appropriate administrator pursuant to College Policy and Procedure 34005-Resignation and Retirement.
2. The appropriate administrator will forward that information to Human Resources and Strategic Talent Management (HRSTM).
3. HRSTM will provide information on the approved retirement recognition forms to the senior vice president for administrative and fiscal services (SVP-AFS).
4. The SVP-AFS will submit one copy of the forms to the Board Office according to established deadlines.
5. The Board Office will present one copy of each form to the Board of Trustees and obtain necessary signatures.

6. The Board Office will forward the approved forms in their entirety to HRSTM.
7. HRSTM will mail the signed form to each individual retiree along with any other approved symbol or token of their retirement recognition.
8. Recommendation of formal action will be made to the Board.

X. Gold, Silver, and Bronze Medallions

A. Purpose

The purpose of Gold, Silver, and Bronze Medallions is to recognize exceptional, outstanding, or distinguished service to the College, the academic profession, the County, the State, or the nation. All medallions are approved by Board of Trustees' resolution.

B. Preparation of Recommendations for Award of a Medallion

1. Members of the Board of Trustees

The award of a medallion to a departing member of the Board of Trustees is initiated at the discretion of the Board of Trustees, coordinated by the College President, and submitted to the Board of Trustees for adoption.

2. College President

The award of a medallion to a departing President is initiated at the discretion of, and adopted by, the Board of Trustees.

3. Friends of the College

The award of a medallion to an individual or group which has demonstrated outstanding or distinguished service to the College may be recommended by any College employee and forwarded through normal administrative channels to the Senior Vice President for Advancement and Community Engagement. The confidential recommendation shall be accompanied by a resolution for review and approval by the President and submission to the Board of Trustees for adoption.

4. Faculty and Staff

- a. The award of a medallion to a College employee may be initiated by the individual's immediate supervisor, or other College employee, and forwarded through normal administrative channels to the Chief Human Resources Officer. The confidential recommendation shall be accompanied by a Board resolution for review by the President. If the award of an emeritus/emerita title is also being recommended, the recommendation for a medallion shall accompany the materials supporting the emeritus/emerita award. In this case, a separate Board resolution regarding the medallion is not required. The recommendation for the award, as well as the materials prepared for Board action, should contain the highlights of the individual's service to the College and evidence of the specific acts of outstanding or distinguished service for which the individual is to be recognized.

- b. The Chief Human Resources Officer is responsible for coordinating the development of recommendations and Board resolutions pertaining to the award of medallions to retiring administrators and members of the faculty and staff. In each case of departure from service with the College, the Chief Human Resources Officer, shall contact the appropriate Dean and the Vice President and Provost or the employing supervisor and the head of the administrative operating unit to which the employee is assigned to determine whether a medallion will be recommended. The unit is responsible for preparing a Board resolution for review by the President highlighting the acts of outstanding or distinguished service.

The resolution shall be forwarded through normal administrative channels to the Chief Human Resources Officer. When all necessary materials have been received, the Chief Human Resources Officer shall forward the materials to the President in accordance with established procedures for the President's review of materials prior to Board consideration. The Chief Human Resources Office will also function as the office of staff review for the President to assure that the awards made are of comparable distinction.

- c. The Board Office is responsible for the storage and security of medallions.
- d. Consideration of the proposed award of medallions by the Board of Trustees will be in executive session as a personnel action. Formal action of the Board will be in a public session. Presentation will be made by the Chairman of the Board, the College President, or their designees.

XI. Emeritus/Emerita Awards

Emeritus/Emerita awards are given in recognition of a retiring president, administrators, and faculty in accordance with the criteria described below. The award is approved by Board of Trustees' resolution.

A. President

1. Upon receipt of a President's written notification of retirement or upon notification of death, the Chief of Staff or designee shall prepare a Board resolution with recommendation for emeritus/emmerita status, provided the President has had ten or more years of service as an administrator.
2. The resolution shall include specific references to the individual's contributions to the College. If the award of a medallion is also recommended, additional appropriate materials supporting the award shall be included in the Board of Trustees resolution.
3. If the president has less than ten years service as an administrator, the Board may grant emeritus/emmerita status based on documented justification for such status, including specific references to the individual's contributions to the College.

B. Administrator

1. Upon receipt of an administrator's written notification of retirement or upon notification of death, the Chief Human Resources Officer shall contact the head of the administrative operating unit to which the administrator is assigned and the Senior Vice President for Administrative and Fiscal Services.
2. If the administrator has had ten (10) or more years of service as an administrator, the head of the unit will prepare a memorandum recommending administrator emeritus/emerita status. The memorandum shall accompany a resolution for Board action and shall include specific references to the individual's contributions to the College. The memorandum and Board resolution shall be forwarded to the Chief Human Resources Officer through the appropriate administrative channels. If the award of a medallion is also recommended, additional appropriate materials supporting the award shall accompany the recommendation for emeritus/emerita status.
3. If the administrator has less than ten (10) years service as an administrator, individual administrators may recommend emeritus/emerita status to the President through the Chief Human Resources Officer and the appropriate administrative channels. The recommendation shall contain detailed justification for such status, including specific references to the individual's contributions to the College. If the administrator emeritus/emerita status is recommended, Chief Human Resources Officer will prepare the necessary memorandum to the President for Board action. The President shall make a final decision regarding a recommendation to the Board.
4. The Chief Human Resources Officer is responsible for coordinating the development of recommendations and memoranda regarding the award of administrator emeritus/emerita status. When all necessary materials have been prepared and collected, the Chief Human Resources Officer shall forward the materials to the President in accordance with established procedures for the President's review of materials prior to Board consideration.
5. All administrators designated as administrator emeritus/emerita shall be so listed in the College catalog and be given such other recognition and honors as may be appropriate to persons of this status.

C. Faculty

1. Upon written notification of retirement from a faculty member holding faculty rank, or upon notification of death, the Chief Human Resources Officer will contact the appropriate Dean and Vice President and Provost.
2. If the individual has had ten (10) or more year's service, the Vice President and Provost will prepare a memorandum to the Senior Vice President for Academic Affairs and the Senior Vice President for Student Affairs recommending faculty emeritus/emerita status. The memorandum shall be in normal format for Board action and shall include specific references to the individual's contributions to the College. The memorandum and Board resolution shall be forwarded to the Chief Human Resources Officer through the appropriate administrative channels. If the award of a medallion is also recommended by the Vice President and Provost, additional appropriate materials supporting the award shall accompany the recommendation for emeritus/emerita status.

3. If the member has less than ten years service, the Chief Human Resources Officer will notify the appropriate Dean and Vice President and Provost. The Vice President and Provost may recommend by confidential memorandum, faculty emeritus/emerita status to the President through the Chief Human Resources Officer and the appropriate administrative channels. The recommendation shall contain detailed justification for such status, including specific references to the individual's contributions to the College. If faculty emeritus/emerita status is recommended by the Vice President and Provost, Chief Human Resources Officer will prepare a confidential memorandum to the President for Board action.
4. The Chief Human Resources Officer is responsible for coordinating the development of recommendations and memoranda regarding the award of faculty emeritus/emerita status. When all necessary materials have been prepared and collected, the Chief Human Resources Officer shall forward the materials to the President in accordance with established procedures for the President's review of materials prior to Board consideration.

XII. Tribute**A. Purpose**

The purpose of the tribute is to honor Full and Part-time Faculty and Regular Administrators and Staff who have deceased while employed with the College. The Tribute is approved by Board of Trustees' resolution.

B. Preparation of Tribute

Upon notification of the death of a Full or Part-time Faculty member or Regular Administrators and Staff, the Chief Human Resources Officer shall contact the Dean and the Vice President and Provost or the employing supervisor and the head of the administrative operating unit to which the employee is assigned. The unit is responsible for preparing a Board resolution for review by the appropriate Vice President highlighting the individual's contributions to the College community. Where criteria for award are met, the individual may be recommended for a medallion award and/or emeritus/emerita status posthumously. The resolution shall be forwarded through normal administrative channels to the Chief Human Resources Officer. The Chief Human Resources Officer is responsible for coordinating the development of tributes. When all necessary materials have been received, the Chief Human Resources Officer shall forward the materials to the President in accordance with established procedures for the President's review of materials prior to Board consideration. Formal action of the Board will be in a public session. Presentation will be made by the Chair of the Board, the College President, or their designees.

XIII. Other Employee Recognition

- A. College units and/or departments may develop their own awards, subject to budgetary constraints, eligibility requirements, and approval by the appropriate Senior Vice President and/or Chief of Staff/Chief Strategy Officer.
- B. Employees should report to the Chief Human Resources Officer any persons they consider worthy of recognition. The honor received will be publicized in appropriate MC publications.

XIV. External Awards**A. Awards of Appreciation**

Any member of the community at large; departing members of Board advisory committees, scholarship donors, friends of the College, and College employees are eligible for an award of appreciation. The actual award may take any form including a certificate or plaque.

1. Friends of the College

- a. Any individual or group may be recommended by a College employee for an award of appreciation. The recommendation shall be forwarded through normal administrative channels for final action to the Senior Vice President for Advancement and Community Engagement. The recommendation shall include a description of the special service for which the individual or group is to be recognized. Normally, the award is presented to the individual or group by the individual who initiated the recommendation.
- b. The authorizing office will maintain a record of all awards given to include the name of the recipient, the date of approval, and the reasons for the recognition.

2. Advisory Committee Members

All departing members of Board advisory committees may be recommended for this award which would normally be a certificate. The recommendation shall be forwarded through normal administrative channels to the Senior Vice President for Advancement and Community Engagement, who is responsible for preparing the certificate for the President's signature and transmittal of the certificate to the proper campus administrator to present to the individual.

3. Scholarship Donors

Scholarship donors will be honored and recognized in accordance with the donor stewardship policies of the Montgomery College Foundation. Any naming of buildings or programs in honor or memory of a donor will be done in accordance with the naming policies of the College and Montgomery College Foundation.

B. Service Award to Community Member**1. General**

The College may from time to time recognize a member of the community who has served one or more campuses for outstanding service that benefits the students, a campus, the College, or the community. The College will honor the individual recognized for this service with an appropriately inscribed plaque that will be presented by the President at commencement exercises or at another appropriate ceremony or forum.

2. Selection and Approval

Recommendations will be sent through normal administrative channels to the Senior Vice President for Advancement and Community Engagement according to the criteria below. Final approval of the award will be by the President, after receiving recommendations from the Senior Vice President for Advancement and Community Engagement.

3. Criteria

- a. The individual may be recognized only for volunteer service.
- b. The same individual may not be recognized in consecutive years.
- c. The individual may not be enrolled in courses during the period in which the service was provided.
- d. The contribution of the individual must have a lasting effect and must be of enough significance and importance to set the citizen apart from other citizens who also assist the College in various ways. Examples of ways in which the citizen may have served follow:
 - (1) Launch an event or continuing program which strengthens College-community relations.
 - (2) Serve for a minimum of one year on an advisory committee and be responsible for a significant and meaningful contribution to the College.
 - (3) Support College development plans through testimony to the Montgomery County Council or other official bodies.
 - (4) Promote College and/or campus activities and programs through the media or through individual and/or group contacts in the community.
 - (5) Assist College and/or campus groups in special projects such as senior citizens' activities, performing arts, topical awareness seminars, etc.
 - (6) Encourage others to become involved in the life of the College and/or the campus.
 - (7) Provide meaningful assistance to assure private funds for scholarship or other purposes.

C. Outstanding Alumni Achievement Awards and Hall of Fame Recognition

The Outstanding Alumni Achievement Award is a special award of highest honor reserved solely for alumni of Montgomery College and presented by the Montgomery College Alumni Association. Procedures for nominations, awarding and eligibility are determined and handled by the Montgomery College Alumni Association as a separate organization.

Administrative Approval: September 21, 1987; March 20, 1989; September 27, 1990;
December 18, 1990; October 28, 1991; June 1, 1992; June 15, 1992; December 7, 1992;
March 20, 2000; February 3, 2001; June 19, 2006; June 25, 2009; March 28, 2012; June 24, 2013;
January 31, 2020; October 7, 2020.

Chapter: Personnel

Modification No. 005Subject: **Honorary Degrees**

I. Purpose

The purpose of awarding honorary degrees is to honor and recognize individuals who meet the criteria established by the Board of Trustees. The Board of Trustees shall approve the names of all honorary degree recipients. The Board of Trustees shall consider all relevant criteria and will determine honorary degrees on a case-by-case basis.

II. Criteria for Honorary Degrees

- A. Prospective recipients of honorary degrees shall be distinguished individuals who meet at least one of the following criteria:
 - 1. have shown a history of leadership and service to the community;
 - 2. have acquired a national or international reputation in a selected field;
 - 3. hold a distinguished record of public or community service or service in education;
 - 4. have provided exceptional educational service to enhance the success of individuals at any and all levels of education;
 - 5. have made a notable donation to Montgomery College or one of its affiliates; or
 - 6. have given significant volunteer service to Montgomery College.
- B. Additionally, where criteria for award are met, honorary degrees may be awarded posthumously.
- C. An Honorary Degree is traditionally awarded to the commencement speaker, unless they are already an alumnus/a of Montgomery College in which case he/she is awarded a medallion and hood.
- D. Current Trustees, faculty, staff, administrators and current board members of the College's support organizations (namely, the Montgomery College Foundation Board of Directors, the PIC MC Foundation Board of Directors, and the Alumni Association Board of Governors) are not eligible for an honorary degree until their service to the College is completed.
- E. The awarding of an honorary degree must be a positive reflection on the College and comport well with the purpose and mission of Montgomery College.

III. Award

- A. The Board of Trustees shall approve all honorary degree recipients.

- B. The Honorary Degree shall be conveyed by a framed diploma signed by the Chair of the Board of Trustees and President, a hood, and shall be accompanied by the award of an inscribed medallion.

IV. Rescinding an Honorary Degree

In extraordinary circumstances, the President may recommend that the Board of Trustees consider rescinding an honorary degree previously awarded by the Board if the President learns that the recipient of the degree has engaged in conduct that is inconsistent with the College's mission and values or is damaging to the reputation of the College, or if the information provided to the Board in the honorary degree nomination is determined to have been fraudulent or erroneous. The decision of the Board to rescind an honorary degree is not appealable.

- V. The President is authorized to established procedures to implement this policy.

Board Approval: October 16, 1995; September 18, 2000; April 27, 2015; December 14, 2015, May 15, 2023

Chapter: Personnel

Modification No. 004Subject: **Honorary Degrees**

I. Purpose

In accordance with the criteria established by the policy, the honorary degree program will allow the College to formally recognize honorary speakers, contributors, philanthropists, and distinguished friends at commencements, convocations and other special occasions.

II. Preparation of Recommendations

- A. The Office of Advancement and Community Engagement annually solicits nominations from the College community, volunteers, etc., although nominations may be made at any time. All nominations are to reflect the meeting of the above criteria, including biographical information on the candidate and be submitted in writing.
- B. Nominations will be shared with the president to formulate a recommended slate. The Director of Special Events contacts the slate to check availability and adjustments to the slate are made according to the inquiry results. The president will be presented with a draft resolution for discussion and approval at a Board of Trustees meeting.
- C. Nominees not selected may be recommended again in subsequent years, but a nominee may receive only one honorary degree from the College.

III. Approval and Presentation

- A. Presentations will be made at commencements, convocations, Board of Trustees meetings, or other appropriate occasion as approved by the President.
- B. Recipients, or their representatives, shall be notified in writing by the College President through the Office of Advancement and Community Engagement and shall be invited to attend appropriate event(s) for awarding of the honorary degree.
- C. The Honorary Degree shall be conveyed by a framed diploma signed by the Chair of the Board of Trustees and President, a hood, and shall be accompanied by the award of an inscribed medallion. The personalized description contains the honorary degree recipient's name, the date of the award, and Associate's Degree in Public Service.
- D. A list of prior nominees and recipients will be maintained by the Office of Advancement and Community Engagement.

IV. Rescinding an Honorary Degree

If the Board of Trustees votes to rescind an honorary degree previously awarded, the individual will be notified of the Board's decision by the President through the Office of

Advancement and Community Engagement, which will also update the historical list of recipients accordingly.

Administrative Approval: October 16, 1995; April 27, 2015; February 9, 2016; May 15, 2023

Chapter: Personnel

Modification No. 002

Subject: **College Ombuds**

- I. Montgomery College is committed to providing ombuds services to the College community.
- II. The purpose of the Office of the Ombuds is to assist the College community in managing conflict constructively and to support positive change. Constructively managing conflict stimulates teamwork, promotes excellence, and enhances engagement.
- III. Ombuds services will be provided in accordance with the International Ombudsman Association's Code of Ethics.
- IV. This Policy prohibits actual or threatened retaliation, as defined in College Policy 39003-Protection Against Retaliation, by anyone in the College community against an individual because the individual utilizes the Ombuds services, including but not limited to, meetings with the Ombuds, or engaging in a facilitated conversation. This policy also prohibits retaliation against a person who cooperates with the Office of the Ombuds.
- V. The president is authorized to develop and post procedures to implement this policy

Board Approval: February 22, 2015; June 25, 2018

Chapter: Personnel

Modification No. 001Subject: **College Ombuds****I. Ombuds Purpose**

The goal of the ombuds is to assist the College community in managing conflict constructively and to support positive change. Constructively managing conflict, stimulates teamwork, promotes excellence, and enhances engagement.

II. Definitions

- A. "Ombuds" refers to any individual appointed by the President to provide ombuds services or support such provision of services within the Office of the Ombuds.
- B. "Visitor" refers to any employee, student, or member of the community who utilizes the services of the ombuds.

III. Ombuds Ethical Standards

- A. The ombuds will be truthful, act with integrity, foster respect for all members of the community served, and promote procedural fairness within the College.
- B. The ombuds will operate in accordance with the International Ombudsman Association's Code of Ethics and Standards of Practice, acting as a confidential, impartial, informal, and independent resource for members of the College community.
- C. The ombuds functions independently and is not affiliated with any compliance function of the College. Therefore, the ombuds does not serve as an agent of notice for the College.
- D. The ombuds is independent and communication with the ombuds is confidential. This includes allegations that may be perceived to be violations of laws, regulations, or policies, including sexual misconduct. The ombuds is designated a confidential resource per 31000-Sexual Misconduct, and will normally keep private the individual's identity and any other information concerning the alleged incident of sexual misconduct and is not required to notify the Title IX Coordinator.
- E. The ombuds may unilaterally violate confidentiality if the ombuds believes there is an imminent risk of serious harm.
- F. The ombuds will avoid involvement in cases where there may be a conflict of interest. A conflict of interest occurs when the ombuds' private interests, real or perceived, supersede or compete with his or her dedication to the impartial and independent nature of the role of the ombuds. When a real or perceived conflict exists, the ombuds should take all steps necessary to disclose and/or to avoid the conflict.

IV. Ombuds Functions

The functions of the ombuds include but are not limited to:

- A. Providing a safe and confidential forum to surface individual, group and systemic problems;
- B. Listening and helping to clarify visitor concerns;
- C. Assisting in the identification of underlying issues and concerns;
- D. Providing information and exploring possible options available to visitors;
- E. Where voluntarily agreed by all involved parties, facilitating discussions to resolve issues, if appropriate;
- F. Where voluntarily agreed by all involved parties, conducting mediations, subject to a written mediation agreement;
- G. Providing a voluntary, confidential forum where whistleblowers may raise concerns;
- H. Collecting data on emerging trends and patterns in the College;
- I. Evaluating and analyzing trending information and making recommendations for systemic change;
- J. Providing feedback to the College's senior administration, protecting the anonymity of the ombuds' visitors;
- K. Publishing an annual report that will be made available to the College community.

V. Reporting Structure

The ombuds will operate independently with respect to issue handling and management. The ombuds will report to the Office of the President for administrative and budgetary purposes only.

VI. Authority and Limitations

- A. The ombuds is authorized to discuss options available to visitors, including both informal and formal processes.
- B. The services of the ombuds supplement rather than replace formal resources and processes administered by other College units, including the offices of Human Resources Strategic Talent Management and Compliance.
- C. The ombuds will have access to confidential records and data, including any information collected or generated by another office of the College, for the purpose of facilitating resolution of a particular situation and for analyzing information in order to make recommendations for systemic change.
- D. The ombuds may decline to inquire into a matter or may withdraw from a case if the ombuds believes involvement is inappropriate for any reason, including a matter not brought in good faith or which appears to be a misuse of the ombuds function.
- E. The ombuds may require legal or other professional advice in order to fulfill its required functions. The ombuds will be provided legal counsel independent of the Office of the General Counsel in the event a conflict of interest arises between the ombuds and the College administration.
- F. The ombuds will publicize its non-notice role to the College and clearly articulate that communication to the ombuds does not constitute notice to the College.

- G. The ombuds will not address any issues arising under a collective bargaining agreement, unless allowed by specific language in the collective bargaining agreement. This means that while the ombuds may discuss options available to a visitor, the ombuds recognizes the union is the appropriate party to assist bargaining unit members in determining the interpretation and/or with appropriate enforcement of the collective bargaining agreement, and will provide information to the visitor to assist the visitor in contacting the appropriate union representative.
- H. The ombuds will not conduct formal investigations of any kind. The ombuds will not participate in formal dispute processes or outside agency complaints or lawsuits, either on behalf of any visitor or on behalf of the College. Because confidentiality and informality are critically important to the ombuds, all communications with the ombuds are made with the understanding that they are confidential, off-the-record exploration of options to resolve dispute, and that the ombuds may not be called to testify as a witness in any formal or legal proceeding and may not be compelled to reveal confidential communications.
- I. The ombuds does not have authority to adjudicate, impose remedies or sanctions, or to enforce or change policies or procedures.

Administrative Approval: March 7, 2016

Chapter: Personnel

Modification No. 002Subject: **Volunteers and Interns**

- I. Montgomery College recognizes the importance of individuals who perform services in support of the College's mission without expectation or receipt of compensation, benefits or consideration for the services provided. The College also recognizes important elements of business and industry which cannot be adequately taught within the confines of the laboratory or the classroom and the benefit of providing short-term supervised internships for students.
- II. It is the policy of the Board of Trustees that volunteers and interns may not be used in full-time, long-term assignments. Volunteers and interns are not to be used to eliminate the need for, or take the place of, paid staff. Volunteer activities are expected to be part-time, sporadic, or of limited duration. Volunteers will perform supplemental tasks that generally would not be completed without volunteer assistance. Internships are expected to be of limited duration and sponsored by an external educational program with or without academic credit.
- III. Volunteers and interns will be screened based on the nature and duration of their assignment. Volunteers and interns must comply with all applicable college policies and procedures related to their volunteer assignment. Volunteers and interns serve at the pleasure of the College, which at any time reserves the right to dismiss them with/without cause or prior notice.
- IV. Volunteers and interns are not considered employees for any purpose and are not eligible for compensation or other related benefits. To be covered by worker's compensation or the College's liability protection, volunteers and interns must be authorized to serve in a volunteer capacity on behalf of the College and suffer injury arising out of and in the course and scope of their volunteer duties.
- V. Volunteers and interns serving with College affiliated organizations that are covered by separate liability insurance (MC Foundation, PIC-MC Foundation and the alumni board of governors) do not fall under this Policy or accompanying Procedure. Internship arrangements covered by other existing College MOUs are exempt from this policy, but may be subject to additional requirements. External internships provided to Montgomery College students do not fall under this Policy or accompanying Procedure.
- VI. The President is authorized and directed to establish procedures to implement this policy.

Board Approval: May 15, 2017; December 10, 2018.

Chapter: Personnel

Modification No. 002Subject: **Volunteers and Interns****I. Introduction**

- A.** These procedures are intended to help promote a productive, safe, and mutually beneficial environment for college volunteers and interns by setting appropriate expectations and clarifying roles and responsibilities for the volunteers, interns, and their sponsoring departments or programs.
- B.** A volunteer is defined as a person who performs a service in support of the College's mission without expectation or receipt of compensation, benefits or consideration for the services provided. To ensure that an individual performing volunteer services is not an employee for the purposes of the Fair Labor Standards Act (FLSA), all of the following criteria must be satisfied:
 - 1. The services provided are intended to be voluntary and rendered without compensation.
 - 2. The services must constitute a bona fide effort of the individual to volunteer for humanitarian or public service purpose or for the benefit of education, training, or professional experience.
 - 3. Individuals volunteer their time for their own personal motives, without promise or expectation of compensation or employment.
 - 4. Volunteers must not be used in ways that displace or replace regular employees in the performance of their normal duties.
- 5. An intern is defined as an individual who wishes to volunteer for the purposes of educational or professional interest as part of a formal or informal educational program. Internships must meet the following criteria:
 - 1. The internship is similar to training that would be given in an educational environment.
 - 2. The internship experience is for the benefit of the intern.
 - 3. The intern does not displace regular employees, but works under close supervision of existing staff.
 - 4. The College derives minimal or no immediate advantage from the activities of the intern and on occasion its operations may be temporarily impeded.
 - 5. The intern is not entitled to a job at the conclusion of the internship.
 - 6. The employer and the intern understand that the intern is not entitled to wages for the time spent on the internship unless specified in the internship agreement.

II. Scope and Applicability

- A.** These procedures apply to all Montgomery College volunteers and interns and the departments that utilize their services. These procedures do not apply to College affiliated organizations that operate under separate liability insurance.
- B.** Volunteers and interns and the departments that utilize them must comply with all applicable college policies and procedures pertaining to computers or other

electronic resources, key issuance, use of College vehicles, and other policies or procedures related to the volunteer or internship assignment. Violations may result in dismissal of the volunteer and intern and/or disciplinary action for employees.

- C. These procedures do not apply to the following:
1. College employees performing job related duties.
 2. Guest speakers and invited lecturers.
 3. Members of the Board of Trustees, or individuals who serve on any Board in support of the College.
 4. Any member of the public serving on an institutional committee or advisory board.
 5. College employees who are performing services for another entity even if the volunteer opportunity takes place in college facilities.
 6. Montgomery College students or employees who may be participating in internship opportunities external to the College.

III. Qualifications for Volunteers and Interns

- A. Anyone, including retirees, students, alumni, or others may provide volunteer services to the College or participate in an internship, with the following restrictions:
1. The College does not permit volunteers or interns under the age of 16 unless accompanied at all times by a parent or legal guardian.
 2. An individual under the age of eighteen must obtain parental/legal guardian consent to volunteer or participate in an internship.
 3. Employees wishing to volunteer during normal work hours must obtain permission from their immediate supervisor.
- B. Appointment to an internship in and of itself will give no intern, whether an employee of Montgomery College or not, any preferred consideration for future positions that may be available at Montgomery College.

IV. Roles and Responsibilities

- A. Senior staff and department/unit heads are authorized to develop and advertise volunteer and internship opportunities, after obtaining proper clearances and approvals.
- B. When events utilizing volunteers are planned or internship opportunities offered, the senior staff or administrator will be responsible for completing a Volunteer/Intern Registration Form and registering all volunteers and interns using the College's designated Enterprise Resource Planning system.

Registrations must be submitted at least 30 days prior to the event date or start of the internship.

- C. After the event or internship has been registered, the event planner will obtain guidance from HRSTM about any required screening for volunteers.
 - D. It is the responsibility of the senior staff or administrator in charge of the event or supervising the internship to ensure that all volunteers or interns have been registered and screened prior to the start of the volunteer service.
 - E. All completed volunteer and internship applications as well as copies of any attachments will be retained according to the College's record retention schedule.
 - F. It is the responsibility of the department/unit to ensure the volunteer or intern has adequate experience, qualifications and training to perform the agreed upon services.
 - G. When volunteer service or participation in an internship includes interaction with minors (individuals under 18 years old) or when the volunteer or intern is a minor, the department/unit must contact the College's Youth Protection Coordinator at least 30 days prior to the event or start of the internship and complete a Program Registration. Any additional screening and training requirements spelled out in 75005CP will be facilitated by the College's Youth Protection Coordinator.
 - H. If the individual is a returning volunteer or intern but the break in service is greater than one year or if the volunteer or intern assignment has changed, all applicable forms must be completed once again.
- V. Criminal Background Checks
- 1. Volunteers
 - 1. The completion of a background check prior to volunteer service may be required. The unit administrator, or designee, will consult with Human Resources and Strategic Talent Management (HRSTM) to assess the need for and complete any required background checks for volunteers.
 - 2. In general, a background check will be required when the following criteria apply:
 - a. The assignment involves services that include interaction with minors.
 - b. The assignment involves "High Risk Volunteer Services." Volunteer services associated with higher risk due to potential liability issues. These services may include criteria that require review by other departments, such as Environmental Safety, General Counsel, Dean of the Department, etc. Examples include, but are not limited to:

- 1) Volunteering in laboratories or facilities in which biological, chemical material, or other physical hazards are present;
 - 2) Providing professional services (accounting, coaching, construction, landscaping, etc.) or other services that involve financial or confidential matters;
 - 3) Travel of any kind or use of a college or personal vehicle on College business.
 - 4) Services that involve access to minors or vulnerable populations.
 - 5) Repetitive or on-going services for a department or unit, such as mentoring.
 - 6) Any person serving as a volunteer athletic coach.
 - 7) Volunteers who serve for longer than 5 days (or 40 hours) in a calendar year.
3. In general, a background check is not typically required when the following criteria apply:
- a. The assignment involves "Low Risk Volunteer Services." The completion of a background check is generally not required for low risk volunteer services, which are defined as volunteer services that do not meet the criteria of high risk. Examples include greeting, distributing materials, operating a registration table, or speaking at a College-sponsored event.
 - b. Montgomery College students currently enrolled in a class, credit or non-credit, are exempt from completing a background check prior to volunteer service, except when the volunteer work involves interactions with minors.
4. Completion of a background check may be required prior to any volunteer or service regardless of any exemptions stated in this policy as determined by HRSTM.

B. Interns

The completion of a background check prior to the start of any internship will be required for all interns. The direct supervisor and/or any staff interacting with the intern will also be required to complete a background check if the intern is a minor.

C. Additional screening:

1. Volunteers who will be driving College vehicles and/or transporting themselves or others on behalf of the College may be required to undergo an annual driver's license and motor vehicle record verification.
2. Interns are not allowed to drive College vehicles. However, if an intern is transporting themselves or others on behalf of the College, the intern may be required to undergo a driver's license and motor vehicle record verification.

3. Volunteers and interns who will handle money or financial documents may be required to undergo additional screening.

D. The College will assume any costs associated with background checks.

VI. Prohibited Volunteer and Intern Activities

- A. College volunteers and interns cannot replace employee positions or impair the employment of a college position through HRSTM.
- B. Volunteers and interns generally shall not be given access to protected student, personnel, or other data. Limited access may be granted if the information is necessary to the volunteer assignment, the volunteer has been instructed on the requirements of the law and protecting the data, and the volunteer or intern has signed a confidentiality agreement through HRSTM.
- C. Volunteers and interns are also prohibited from performing the following activities, including but not limited to:
 1. Operating heavy equipment
 2. Working with stored energy (e.g. steam, electricity, hydraulics)
 3. Activity considered inappropriate for any employee
 4. Entering into any contract on behalf of the College
 5. Working with infectious or potentially infectious agents

VII. Liability and Coverage

- A. Volunteers and interns are not covered by the Fair Labor Standards Act and are not considered employees for any purpose. They are therefore not eligible for compensation or any related College benefits.
- B. To be covered under worker's compensation or the College's liability protection, volunteers and interns must be authorized to serve in a specified volunteer capacity, have completed a Volunteer Registration Form, and incur injuries arising out of and in the course and scope of their agreed upon volunteer duties.
- C. If a volunteer or intern is involved in an accident, causes harm to a third party or is injured while performing duties, the incident must be reported immediately to the volunteer's supervisor and Safety & Security.

VIII. College-wide Volunteer and Internship Database

The College will develop and maintain a volunteer and internship database. This data will be available for use by college administrators, subject to other College policies and procedures, and include the following:

- A. Name, contact information, duties performed and hours of service of volunteers and interns.

- B. Name and contact information of volunteers or interns who seek to be offered future volunteer opportunities.
- C. Volunteer and internship opportunities.

IX. Education

Education is a key element of this procedure. The College will provide education and information, as appropriate, for students and employees to enhance understanding and increase awareness of the College's Volunteers and Interns Policy and Procedure. Any mandatory education requirements will be announced and posted on the College's website. The President is authorized to provide institutional leadership and guidance for developing education programs to increase knowledge and share information and resources to prevent violations of this policy and procedure. Some goals to be achieved through education are: (a) creating a heightened awareness of the College's Volunteers and Interns Policy; (b) notifying individuals of conduct that is proscribed; (c) informing employees, students, and other members of the college community about the proper use of volunteers and interns; and (d) preventing issues related to the use of volunteers and interns.

Administrative Approval: May 31, 2017; January 22, 2019.

Chapter: Personnel

Modification No. 002Subject: **Protection Against Retaliation**

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- I. Montgomery College has an interest in encouraging the reporting of alleged wrongdoing, and members of the community must be free from fear of retaliation to support that interest. In addition, the College has a responsibility to protect its employees and students from unlawful retaliation.
 - II. It is the policy of Montgomery College to forbid anyone from taking any form of retaliatory action against any member of the Montgomery College community who, in good faith:
 - A. Voices concerns of ethical violations pursuant to established policies and procedures;
 - B. Seeks advice or aid in reporting wrongdoing pursuant to established policies and procedures;
 - C. Files a complaint or grievance pursuant to established policies and procedures;
 - D. Testifies or participates in investigations, proceedings or hearings pursuant to established policies and procedures;
 - E. Opposes actual or perceived violations of Montgomery College's policies and procedures or unlawful acts; or
 - F. Engages in any other protected activity defined by College policies and procedures.
 - III. When the College is made aware of possible retaliation, it will take immediate and appropriate steps to investigate. The College will take appropriate action, up to and including discharge, against any employee or student who violates this policy.
 - IV. Reports of retaliation will be kept confidential except to the extent that limited disclosure may be necessary for the purpose of conducting a full and fair investigation, providing opportunity for the subject to respond, taking remedial action, and responding to a government inquiry or legal action.
 - V. This policy does not protect an individual who files a report or provides information as part of an investigation that the individual knows is false, files a bad faith retaliation claim or participates in any illegal conduct. Such conduct may subject the employee or student to appropriate disciplinary action, up to and including discharge. The failure to substantiate a claim of wrongdoing does not automatically constitute malicious intent or bad faith.
 - VI. The president is authorized to develop and post procedures to implement this policy

Board Approval: June 25, 2018; June 17, 2019

Chapter: Personnel

Modification No. 002Subject: **Protection Against Retaliation****I. Definitions**

- A. Good Faith - Good faith means the individual providing information or a report of a violation has a reasonable belief in fact for reporting or providing the information. Providing or reporting malicious, false, or frivolous information with disregard to the truth, or knowingly omitting relevant information is not acting in good faith.
- B. Retaliation – Any adverse action taken or threatened against an individual because that individual engaged in any protected activities. Such adverse action can adversely affect or threaten to affect the employment rights or other interests of an individual and can take work, academic, or social form.
- C. Protected Activities – Communication about or voicing concerns of suspected wrongful conduct pursuant to established College policies and procedures, participating in investigations or proceedings related to wrongful conduct pursuant to established college policies and procedures, or engaging in other permissible concerted or individual activities pursuant to established College policies and procedures.
- D. Wrongdoing – Unethical, illegal, or fraudulent business or employment activity, or undue risk to health and well-being in violation of College policies and procedures or applicable laws or regulations.

II. Examples of Activity to be Reported

- A. Work-related retaliation may include, but are not limited to:
 - 1. Unsubstantiated or unexplained adverse performance evaluations or disciplinary action;
 - 2. Unfounded negative job references;
 - 3. Unfounded denial of salary increases, promotions or other job benefits; and
 - 4. Unfounded or unexplained changed, reduced, or limited work assignments.
- B. Social retaliation in the workplace may include, but are not limited to:
 - 1. Discrimination or harassment from co-workers and/or supervisor;
 - 2. Bullying (as defined by 31011-Prevention of Bullying and Workplace Violence);

3. Hostile work environment, described as conduct that is so persistent and pervasive as to alter the conditions of employment; and
 4. Physical threats and/or destruction of personal or College property.
- C. Actions also considered retaliatory include any action taken or threatened by an employee that would dissuade a reasonable employee from engaging in activities protected by this policy.

III. Reporting Retaliation

- A. Any individual who believes that they or another member of the College community have been or are the subject of retaliatory action should make an oral or written report to any of the following:
1. The Office of Employee and Labor Relations (for employees)
 2. The Office of Student Affairs (for students)
 3. The Confidential Reporting line:
Online Reporting www.montgomerycollege.ethicspoint.com
Toll-free Reporting Line: 844-572-2198 (for employees and students)
 4. Union representative (for employees covered by collective bargaining)
- B. A report should include information and lawful documents or data in support of the allegation, when possible:
1. A detailed description of the retaliation;
 2. Name of individual(s) involved;
 3. The date(s) of the alleged retaliation; and,
 4. Any other details or data that may be important for the investigation including data, documents, evidence, or related information.
- C. Regardless of the method of reporting or to whom an initial report is made, all complaints will be reviewed by the appropriate College office. If the complaint originated from or involves the Office of Employee and Labor Relations, the complaint will be reviewed by the Chief of Staff, or designee.
- D. Consultation for Employees and Students
1. The Office of the Ombuds exists for employees and students as a resource for consultation to discuss suspected retaliation. Employees and students may consult the Ombuds at any time for confidential discussions regarding any concern.
 2. The Ombuds is not, however, a resource for officially reporting retaliation.

IV. Response and Investigation

- A. If an investigation is appropriate, an investigator will be designated. In the event of a clear conflict of interest, an external investigator may be assigned.
- B. The investigator will work with the alleged victim when determining the initial steps in the investigation.

- C. The investigation will be conducted in a fair and balanced manner with the purpose of objectively ascertaining what transpired.
 - D. All information from the investigation will be shared on a strictly need-to-know basis in order to preserve confidentiality.
 - E. The investigator will document the investigation, the conclusions reached, and also may offer recommendations for any employee disciplinary action to the Chief Human Resources Officer, or designee, and any student disciplinary action to the Senior Vice President for Student Affairs.
 - F. The final findings report shall be shared with the General Counsel and appropriate College administrators.
 - G. Anyone found to have retaliated against any member of the College community will be subject to disciplinary action, up to and including discharge.
- V. Appeals

An employee complainant may file an appeal pursuant to the process outlined in 34101-Personnel Grievance Process for Staff Employees or pursuant to the applicable collective bargaining agreement. Student complainants may file an appeal pursuant to the process outlined in 42001-Student Code of Conduct.

Administrative Approval: June 28, 2018; October 17, 2019