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ENTIRE CHAPTER PRESENTED FOR REVIEW BY BOARD OF TRUSTEES FEBRUARY 12, 2000.

ENTIRE CHAPTER (WITH REVISIONS) REVIEWED AND ENDORSED BY BOARD OF TRUSTEES MAY 20, 2000.
TUSCULUM COLLEGE STATEMENT OF PURPOSE

Tusculum College is an independent, privately-endowed institution of higher education that provides a comprehensive academic program for men and women. It offers the intimacy of a small college and the diverse educational opportunities that derive from undergraduate degree programs in the arts and sciences and in education and management as well as professional programs in management, and graduate programs in education and management. Related to the Synod of Living Waters of the Presbyterian Church, the College affirms its commitment to serve individuals of all faiths and persuasions, without regard to race, sex, age, physical handicap, or national origin.

The education objectives of the College are:

- To cultivate in students the interest, capacity and skills necessary for independent intellectual inquiry and lifelong learning;
- To convey to students a representative portion of that body of knowledge that has accumulated and endured through the history of cultures;
- To encourage and aid students in the development of basic beliefs, values, and attitudes;
- To assist students in selecting and preparing for careers and for study in graduate and professional schools;
- And to foster in students personal habits that contribute to health and physical fitness.

In order to achieve these objectives, the College is committed to:

- An educational environment which perpetuates the ideals of the Judeo-Christian tradition and is conducive to the development of the whole person intellectually, socially, spiritually, physically, and morally;
- An academic setting that guarantees and encourages freedom of thought, expression, and association;
- A faculty dedicated to excellent teaching and dialogue with students;
- An undergraduate curriculum that develops in our students a desire to serve others by providing them an environment which cultivates the civic arts of: (a) productive and collective deliberation; (b) the skills of accurate observation and listening; (c) sound reasoning and reflection; (d) imaginative abilities; (e) practical judgement; and (f) the courage to act.
- A program of varied social, spiritual and physical activities that provide occasions for growth, fun, and fellowship;
- An administration that preserves and enhances the College’s environment and resources and that represents the institution to the broader community it serves.

The following are policies and procedures that the College has adopted recognizing that for legal and business reasons, it must establish certain acceptable standards and provide information regarding implementation of those policies. However stated, items set forth in these policies should never be construed to be a contract; and the College reserves the right to amend or revoke any of the policies contained herein at any time and without notice to anyone.
MISSION STATEMENT OF TUSCULUM COLLEGE
(Adopted by the Board of Trustees on May 18, 2002)

Tusculum College remains true to its origins as a church-related institution of higher learning in the civic republican tradition by developing educated citizens distinguished by academic excellence, public service, and qualities of Judeo-Christian character. The College reflects the ideal of its civic arts heritage through its commitment both to integrity and to the development of strong citizenship qualities in the traditional-aged students from diverse backgrounds as well as the working-adult students from the region. Furthermore, the College uses innovative approaches to teaching and learning at the undergraduate and Master’s levels to instill factual knowledge, cultivate the habits of practical wisdom, and develop the skill of reflective thinking, all necessary for personal success in a democratic society.
AIDS, HIV, Hepatitis B

Policy

Purpose

The College has developed this policy covering acquired immune deficiency syndrome (AIDS) because of the dramatic increase in the disease, its life-threatening results, and the emotion connected with this issue.

Definition

AIDS describes an impairment of the body's immune system, the mechanism which helps people fight infection and disease. When this system is not functioning correctly, the individual becomes vulnerable to unusual infections and other illnesses that are life threatening. These include opportunistic infections such as pneumocystic carinii pneumonia, chronic cytomegalovirus (CMV) infection, unusually severe shingles and herpes simplex, and certain bacteria (including one that causes a form of tuberculosis). Kaposi's sarcoma (KS), a skin cancer, has also been associated with AIDS.

Transmission

All available evidence suggests that AIDS is transmitted through bodily fluids such as blood and semen. This exposure to bodily fluids can occur during sexual contact, by sharing intravenous drug needles, and through blood transfusions. No one has contracted the disease from casual or even close daily contact. In fact, family members, other than sexual partners of people with AIDS, have not developed AIDS.

Philosophy

The College shall treat AIDS the same as any other disease that may be contracted by staff members. Victims of AIDS or other diseases will be permitted to work and participate in other College-sponsored activities unless the staff member's personal physician, campus medical officials, or public health officials declare that such participation represents a substantial risk to the health and safety of other members of the campus community. In such instances, appropriate measures will be taken to protect the institution and the individual.

Procedure

Information

Supervisors and staff members who have questions about AIDS should feel free to call the Campus Nurse to find out more. A qualified physician may be called in to answer questions if the Campus Nurse feels the situation warrants.

Education

Faculty or staff seeking advice regarding AIDS will be referred by the Campus Nurse to their personal physicians or appropriate specialists.

Confidentiality
The physician/patient privilege and a patient's right of privacy, which are derived from the United States and the State’s constitutions, dictate that information regarding a patient's diagnosis as having AIDS should be maintained in the strictest confidence possible. The duty to report such information is limited only to those situations where there are specific government reporting requirements or a medical justification for the disclosure of that information.

In the event that a personal physician or public health official determines that an individual's medical condition represents a public health hazard and warrants limitation of activities, only essential administrative personnel will be informed, on a need-to-know basis.

It may be necessary to announce to contacts the identity of an individual who has contracted the disease, in the event of a life-threatening situation. Such information will not be divulged without prior discussions with appropriate medical authorities and the College’s legal counsel.

**Association**

There is no legal justification for a College employee to refuse to work with an AIDS patient or someone he or she believes to be an AIDS patient. An employee who so refuses should be counseled regarding the disease. Each supervisor shall seek the advice of the Human Resources Department with regard to policy, medical advice of the Campus Nurse or of a physician prior to providing such counseling. In view of the fears that many people have concerning AIDS, every effort shall be made to allay the legitimate concerns of an employee. Thereafter, continuing refusal by that employee may be grounds for disciplinary action. Prior to taking such action, the supervisor should seek advice from the Human Resources Department. The HR person should contact the College legal counsel for advice before such a step could be taken.

**Special Instructions**

Any health services employees and service personnel such as custodians will follow guidelines issued by the Centers for Disease Control for the prevention of transmission of AIDS and other communicable diseases. Copies of the guidelines are available from the Campus Nurse.

For other employees, there is normally no need for special precautions; however, some staff may be exposed to blood or bodily fluids because of an accident, fire, or similar situation. By observing the following simple rules, these employees can avoid any risk of infection:

- Avoid wounds or punctures from personal items that could be contaminated with blood, such as razors, cuticle scissors, or sharp instruments.

- Wear disposable gloves when coming in contact with blood, bodily fluids, mucous membranes, or nonintact skin, in case of injuries.

- Wash hands after exposure to any possible source of infection. Hand washing reduces the chance of spread of infection.

- Call Facilities Management to have a custodian clean up blood spills promptly with fresh, diluted household bleach (one part bleach to 10 parts water).
Americans with Disabilities Act of 1990

The College does not discriminate in the interviewing, hiring, or promotion of individuals on the basis of disability. The College is committed to compliance with the Americans with Disabilities Act of 1990 and its related section 504 of the Rehabilitation Act of 1973. It shall endeavor to provide reasonable accommodations requested by all employees with documented disabilities who are otherwise able to perform the essential functions of their jobs.

The College administration shall work with all employees and their supervisors in determining the most effective accommodations that can be reasonably provided on an individual basis. It shall maintain records of such requests and accommodations in a confidential manner.
ATTENDANCE POLICY

The College’s successful operation depends in large part upon the regular attendance of each of its employees. Each person has an important job that fits into the general pattern of College operations. Unnecessary and unexcused absences, therefore, are undesirable because they affect not only College operations but the way in which others are able to do their jobs. It is important, too, to have a uniform attendance policy to avoid misunderstandings.

Expectations

The College requires and expects all employees to work according to normal schedules. It is equally important for employees to arrive at their jobs at the proper time.

Definitions

ABSENCE is defined as the failure of an employee to report during the hours he/she is normally scheduled to work.
EXCUSED ABSENCE is defined as an absence before which an employee notifies his/her supervisor and for which the supervisor gives permission to the employee.
LATENESS occurs when an employee is not on the job at the time work is normally scheduled to begin.
UNEXCUSED ABSENCE is defined as all other absences or all absences not excused.

Attendance Procedures

Each supervisor and each employee shall follow the attendance procedures. In cases of unexcused absences or lateness, employees may discuss any mitigating circumstances with their supervisors and may be granted an exception to the policies.

Disciplinary Action

No disciplinary action shall be taken in regard to excused absences unless or until absences exceed allowed sick and vacation days. If excused absences exceed allowed sick and vacation days, the immediate supervisor shall endeavor to determine the employee’s reasons for excessive absences.

If a medical, physical, or personal problem is identified as a factor, the immediate supervisor shall refer the employee to an appropriate program for assistance.

In regard to unexcused absences, the following steps shall be taken:

1. The supervisor shall endeavor to discuss the reason for an unexcused absence with the employee.
2. In the absence of justifiable extenuating circumstances, the employee’s immediate supervisor will write a memorandum regarding each occurrence, give it to the employee, a copy shall be filed in the employee’s record, and the unexcused absence will be without pay.

3. Although the College does not use a set number of reprimands to trigger termination for unexcused absences, it shall not tolerate excessive reprimands and reserves the right to terminate employment after consideration of each case on an individual basis.

4. The College also reserves the right to terminate any employee who is absent for three consecutive working days without notification.

In regard to lateness or tardiness, the following procedures shall be followed:

1. Repeated lateness may be subject to written memorandum.

2. The supervisor shall endeavor to discover the cause of an employee’s unexcused tardiness, and shall refer the employee to an appropriate resource or program in case of medical, physical, or emotional difficulty.

3. If there are no extenuating circumstances for frequent tardiness, the supervisor shall issue a written memorandum to the employee and a copy shall be placed in the employee’s permanent personnel file.

4. Although the College does not use a set number of times late to trigger termination, it shall not tolerate excessive tardiness and reserves the right to terminate employment after consideration of each case on an individual basis.
COMPENSATION POLICY

Increases in employee compensation (usually done across the board annually in September) are tied both to the College’s overall financial performance (sometimes referred to gainsharing) and the annual employee performance evaluation.

When the College experiences strong financial performance, funds are set aside for raises by the Board of Trustees. This “pool” of funds is allocated among the Vice Presidents to use for salary increases within their departments/divisions. Targeted increases for all staff and faculty have historically averaged approximately 3% of annual salaries. However, each Vice President has the discretion to grant some individuals a higher percentage and some a lower percentage depending on the strength of the most recent annual performance appraisal for each individual. Employees with superior performance may be granted higher percentage increases; those with below-average performance may be granted lower percentage increases or salary reductions. The total of all increases granted by each Vice President may not exceed his/her allocated portion of the “pool” of funds.

In years when the College’s overall financial performance is not strong, it is possible that the President may recommend that the Board of Trustees hold salaries at current levels until profitability increases.
Conflict of Interest

Scope

The following statement of policy applies to all trustees and officers of the College. Further, it is intended to serve as a guide to all persons employed by the College, regardless of position.

Fiduciary Responsibility

Trustees, officers, and staff serve a public-interest role and thus have a clear obligation to conduct the business of the College in a manner consistent with that concept. All decisions of the Board and administration of the College shall be made solely on the basis of a desire to promote the best interests of the College.

Disclosure

It is the policy of the College’s Board of Trustees that if the Board and/or officers of the college are considering a transaction on behalf of the College which will also involve (1) a member of the Board, an officer of the College, or a member of their families (spouse, parents, brothers, sisters, or lineal descendants), or (2) an organization with which any such person is affiliated (as described below), then such trustee or officer, at first knowledge of any such transaction, shall disclose fully the precise nature of his or her interest or involvement.

Disclosure is also required concerning all relationships and business affiliations that reasonably could give rise to a conflict of interest involving the College. Such disclosure shall be continuously reported and kept current, as set forth below. For the purpose of this policy statement, affiliation exists if a trustee, officer, or a member of their families

1. is an officer, director, trustee, partner, employee, or agent of such organization;

2. is the record or beneficial owner of more than 5 percent of the voting stock or otherwise has a controlling interest in such organization; or

3. has any other direct or indirect dealings with such organization from which he or she knowingly is materially benefited (e.g., through receipt directly or indirectly of cash or other property in excess of $1,000 per year, exclusive of dividends and interest).

The disclosures required under this policy statement shall be reported initially to the Business Committee of the Board of Trustees, which consists of trustees who are not officers of the College nor involved in any conflict of interest. The information disclosed shall be held in confidence except when, in the judgment of the Business Committee, the best interests of the College would be served by disclosing the information to the Board of Trustees or to the Executive Committee.
The Business Committee, on its own initiative or at the request of anyone with a potential conflict of interest, shall determine whether a conflict of interest exists and, if unacceptable, recommend a course of action to resolve the matter.

**Restraint on Participation**

Trustees and officers who are deemed to be in a conflict-of-interest situation with respect to any matter before the administration or the Board shall refrain from participating in the consideration of the proposed transaction, unless specifically requested to provide information regarding the transaction in question. Such person shall not vote on or take any position for or against the proposed transaction. When deemed appropriate, a notation may be made in the minutes of the meeting that the person involved neither participated in the consideration of the proposed transaction nor voted on the matter.
In re: Conflict of Interest Disclosure Statement

I have received and read the College’s Conflict of Interest Policy approved by the Board of Trustees on February 13, 1999, and I am in compliance with that policy statement, except as set forth on the reverse side.

Except as noted, neither I nor, to the best of my knowledge, any member of my immediate family has any interest or is engaged in any activity that might be interpreted as a violation of the policy statement.

I understand that, unless and until I am advised in writing to the contrary, any interest or activity reported herein shall not constitute a violation of the Conflict of Interest Policy of the College.

____________________________________
Signature

____________________________________
Name

____________________________________
Address

____________________________________
Office or Position

Please return to:

President’s Office
Tusculum College
Greeneville, TN 37743
Consensual Relationships

The College's educational mission is promoted 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 to a supervisor by a supervisee, faculty and staff recognize that they are presumed to make decisions regarding their relationships with students and supervisees that will not endanger this atmosphere of mutual trust and respect. Faculty and staff should be aware of the possibility that an apparent consensual relationship with a student or supervisee may be interpreted (either now or at a later date) as nonconsensual and, therefore, sexual harassment.

The power differential inherent in faculty/student and supervisor/supervisee relationships may compromise the student's or supervisee's ability to decide, and thus call into question, the bona fide consensual nature of the relationship. The potential exists for the student or supervisee to perceive a coercive element in suggestions regarding activities outside those appropriate to professional relationships. Moreover, faculty and staff, particularly in relationships with students and people under their supervision, need to be aware of potential conflicts of interest and the possible compromise of their evaluative capacities. They also need to be aware that a relationship may give rise to a perception on the part of others that the evaluative capacity of the faculty member or supervisor has been compromised.

It is a violation of this policy for a faculty or staff member to 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.

Amorous relationships between faculty or staff members and students outside the instructional and supervisory context are also strongly discouraged.

The College does recognize that consensual amorous relationships may exist prior to the time a student is assigned to faculty or staff, as a member of that person's class or is placed in a situation where the faculty or staff person must supervise or evaluate the student. It is also recognized that such a relationship may exist between coemployees prior to the time when one of those employees becomes the supervisor of the other. An amorous relationship is a recent amorous 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 faculty or staff member. Where the faculty or staff member has, or has had a recent amorous relationship with the student or supervisee, the following procedures shall be followed:

1. If at all possible, the student should be advised in his or her course selections to avoid course sections taught by the instructor with whom the student has or has had a recent consensual 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.

2. 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 division chair and the supervisor shall advise his or her supervisor of the present or recent consensual amorous relationship and the following steps shall be taken:

   A. The division chair shall appoint another instructor to evaluate the student's written work, such as essays, research papers, essay tests, care plans, etc.

   B. The division chair shall appoint another instructor to evaluate the student's nonwritten work or performance, such as artistic performances, teaching practice, or clinical practice.

   C. When an appropriate instructor is not available to evaluate the student's work, the division chair will provide the evaluation.

   D. 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.

   E. The supervisor will remove himself or herself from the consideration of the employee for promotion, hiring, or determination of salary.

   F. A student should not be assigned to a faculty advisor with whom that student has or has had a recent consensual amorous relationship. The faculty advisor should request that the student be reassigned.

3. A faculty or staff member who fails to follow the policy set forth in subparagraph (2) above, and does not withdraw from participation in activities or decisions that may reward or penalize a student or supervisee with whom the faculty or staff member has or has had a recent consensual amorous relationship in accordance with this policy will be in violation of this policy.

People who are married, or were married, are included within the definition of those individuals having, or who have had, a consensual amorous relationship.

A complaint alleging violations of the policy regarding consensual relationships may be filed by any person. All complaints should be directed to Human Resources Department.
**Discipline**

*(see also Termination of Employment)*

**Purpose**

It is the policy of the College to employ personnel who are willing and able to perform the functions of their jobs in a satisfactory manner, to observe the rules and regulations of the College and to devote their time and attention to the business of the College during working hours. From time to time, it may become necessary to counsel or discipline employees who for one reason or another fail to observe the goals set forth above. This procedure is intended only as a guideline to the commonly accepted steps a supervisor should take in correcting employee misbehavior.

It should be remembered that most employees can be counted on to exercise a considerable degree of self-discipline. They may be expected to respond to positive leadership and timely communication from supervisors. Disciplinary procedure should be used, whenever possible, in such a way and at such times as to reinforce in employees the desire to meet accepted standards of work and conduct.

The responsibilities that employees are expected to assume are communicated during their orientation period by their supervisors and should be re-emphasized by supervisors as required. This fosters two-way communication and should leave no question in the employee's mind as to acceptable work standards or behavior.

**Effective Date**

This procedure is effective upon receipt and supersedes all prior issued procedures.

**Application**

This procedure applies to all College employees.

The College shall have the right to discipline or summarily discharge an employee. Each case shall be evaluated on its own set of circumstances.

**Guidelines for Preventing Disciplinary Situations**

Before taking disciplinary action, the supervisor should ask the following questions:

1. Has the situation been identified in terms of a difference between *expected* performance and *actual* performance?

2. Has the expected performance been clearly communicated to the employee?

3. Has the employee received appropriate training in all aspects of the job?
4. Have any job requirements changed since the employee was initially trained?

5. Does the employee have all the time, tools, and equipment necessary to do the job properly?

6. What would prevent the employee from doing the job correctly if he or she really wanted to?

7. Does doing the job properly or quickly result in an unpleasant or punishing consequence?

8. Has the employee been given regular short-term feedback about job performance so that the employee knows what he or she is doing?

9. Has the employee had a counseling meeting and appropriate follow-up?

Only after these approaches have failed does the supervisor proceed with disciplinary action.

**Checklist for Dealing with Discipline**

The following are rules to follow when handling a disciplinary problem:

1. Prevent it! Sense problems before they erupt.

2. Keep accurate and complete records.

3. Be prepared with facts and figures.

4. Hear the employee out with empathy.

5. Precede formal discipline with a warning.

6. Don't drag it out! Administer discipline quickly.

7. Be sure to address the behavior.

8. Do it in private.


10. Set a follow-up date.

**Steps in the Disciplinary Process**

The following steps should be used by supervisors in correcting unsatisfactory performance.
The supervisor shall review with the Director of Human Resources the nature of the problem to determine the appropriate sequence of disciplinary steps. Adherence to following each step of the disciplinary process in the sequence given will be determined by the nature and gravity of the problem.

All formal disciplinary actions must be reviewed with the Human Resource Department prior to action being taken, and under no circumstances will employees be terminated without the knowledge of the Human Resource Department.

1. Fact-finding or counseling: This is the first step in correcting unsatisfactory performance. Supervisors may wish to follow up the counseling session with written documentation sent to the Human Resource Department. This is not filed in the employee's personnel file.

2. Formal written warning: Following a documented meeting between the employee and the supervisor, the supervisor shall review and develop the facts and, if the facts warrant, shall inform the employee that the employee is failing to meet acceptable standards of performance and/or is not following College rules and regulations. More severe disciplinary measures will result if such standards are not met or rules continue to be violated. This documentation must be forwarded to the Human Resource Department immediately after meeting with the employee to be filed in the employee’s personnel file.

The written warning shall include the following:

   A. The extent of the problem
   B. The name of the violated rule, policy, or procedure
   C. Suggested courses of action
   D. A statement of consequences in the absence of improvement
   E. Any follow-up action to be taken

The employee may be placed on probation for a period of time to monitor more closely corrective action and improvements being gained. Typical probationary periods are for 30, 60, or 90 days. Supervisors who place employees in a probationary status must meet with them during and at the end of the probationary period to discuss their success or failure in achieving increased performance or resolving problems.

3. Suspension: An employee may be required to remain off the job in a nonpay status for a specified period of time for disciplinary purposes, following oral or written warnings and without warning for more serious initial offenses. Immediate suspension may be ordered when circumstances make attendance at work dangerous to the employee or others, when an investigation is needed, or when circumstances seriously impair the employee's effectiveness on the job. The Human Resource Department must be contacted prior to action being taken. If circumstances require an immediate suspension, it may be verbally issued but written notice must follow as soon as possible.
4. **Decision-Making Leave and Positive Discipline:** The following positive disciplinary model may be substituted for the suspension/probation model described above.

*Purpose:* If after both counseling and written warnings, the employee's performance fails to improve, a supervisor may make use of a one day decision-making leave as a third step in the discipline process. The purpose is to provide an employee with a specific time period to decide if he or she wants to continue employment, and if so, to make the required behavior change. Again, the emphasis is on correcting the performance problem. This is an extremely serious step, in so far as the employee will be terminated if he or she does not change behavior or performance.

*Method:* Following a review of prior disciplinary steps, the supervisor meets with the employee to explain that the employee must now decide whether or not he or she wishes or is able to work for the College. The employee is told that he or she will be given one day off with pay to spend at home while deciding whether to continue to work or to quit. During the meeting, the supervisor will indicate hope that the employee will decide to continue working, but that another occurrence of trouble will lead to termination. The meeting needs to end with an agreement between supervisor and employee that they will meet at the beginning of the workday following the decision-making day and that the employee will give his or her written decision at that time.

In order for this model to be effective, the supervisor must closely monitor the employee's performance following a decision to remain at work so that any further discipline problems can be dealt with on a timely basis.

5. **Dismissal:** This is not a step in the positive discipline procedure. It is one taken when positive measures have been used, but performance has not changed, or when an employee has committed a major offense.

**Examples of Employee Performance Problems**

The following are examples of the kinds of behavior that would call for disciplinary action; it is *not* meant to represent a comprehensive list:

1. Refusing to accept a job assignment, insubordination, or willful disobedience in carrying out reasonable requests from supervisor.

2. Falsifying college records or documents, including time sheets, applications, and accounting records.

3. Insufficiency or negligence; that is, failing to do the amount and quality of work expected or failing to exercise proper caution in accomplishing tasks or caring for College materials, equipment, etc.
4. Repeated tardiness or absenteeism.

5. Stealing from the College, other employees, or students.

6. Failure to comply with College policies, including alcohol and drug abuse policies, EEOC policy, or other policies communicated to employees.

7. Failure to observe proper safety techniques, use personal protective equipment as prescribed by supervisors, or work in a hazardous, risk-taking manner.

8. Carrying or bringing to campus weapons, implements that look like weapons, or devices that may be used as weapons.

Each case of unsatisfactory behavior will be evaluated on its own set of circumstances.

**General**

Any questions concerning this procedure should be addressed to the Human Resources department. All written disciplinary actions shall be forwarded to Human Resources for inclusion in the employee's personnel file.

In utilizing this progressive disciplinary approach, the employee should be made aware that the disciplinary action is a form of education that is consistent and fair for the circumstances involved. Employees may, with their supervisor's knowledge, discuss the nature of the disciplinary action with the next level of supervision or the Human Resource Department.

If it is suspected that an employee is encountering performance problems or violating work rules because of outside, nonjob-related situations, such as poor health, family problems, alcoholism, or emotional disturbances, the supervisor is to encourage the employee to obtain professional help.

If the employee feels that the discipline has violated College policy, he or she can file a grievance under the grievance procedure.

Samples of progressive disciplinary letters to employees are attached.
Attachment 1: Sample of Written Warning

TO:_________________________ DATE:__________________________

DEPARTMENT:_______________________  JOB TITLE:_______________________

RE: Corrective Disciplinary Action—Written Warning

You are being given this written warning because your attendance does not meet established College standards. Your attendance record shows that during the last five months you were absent from work on five occasions—three in excess of one hour and two less than one hour, for a total of 24 hours and 45 minutes of absence.

As I pointed out to you after your return following each of these absences, your failure to report to work regularly and to appear on time prevents the College from maintaining the necessary number of operating employees in your department, interferes with the scheduling of work, and in some instances, places an added burden upon other employees in your department.

This situation is very serious and deserves immediate correction. Unless you report regularly for work and on time, or if you fail to observe other company policies, more severe disciplinary action may result, including suspension or termination.

Issued by: ______________________________
Supervisor's Signature______________________________
Employee's Signature______________________________

Distribution: Employee
    Supervisor
    Human Resources
Attachment 2: Sample of Suspension

TO: ___________________________ DATE: ___________________________

DEPARTMENT: ___________________ JOB TITLE: ______________________

RE: Corrective Disciplinary Action—Suspension

You have not corrected your poor attendance after a warning on November 25, 20-- and a written warning on December 20, 20--. Prior to these warnings, you were counseled on two occasions concerning your attendance not meeting proper and established College standards. On January 7 and 8, 20--, you were absent again for 15 hours. Since July 6, 20--, you have been absent 64 hours and 28 minutes on eight separate occasions. As a result of not correcting your attendance problem, you are being suspended from your job without pay for a period of three days effective January 9, 20--, through January 11, 20--

I regret that this measure has been made necessary, and it is my hope that no further disciplinary action will be called for. If, upon your return to work on January 12, 20--, you do not report regularly for work and on time, or if you fail to observe other College policies, more severe disciplinary action may result, up to and including discharge.

Issued by: ___________________________
Supervisor's Signature ___________________________
Employee's Signature ___________________________

Distribution: Employee
Supervisor
Human Resources
Attachment 3: Sample of Termination Memo

TO: _______________________________ DATE: _____________________________

DEPARTMENT: _____________________ JOB TITLE: _______________________

RE: Corrective Disciplinary Action—Termination

Since July 6, 20__, you have been absent 80 hours and 51 minutes on 11 separate occasions, the last of which was for 23 minutes on March 16, 20__. These combined factors indicate little or no respect for your job. Because of your failure to attend work regularly and meet your job responsibilities, you are hereby notified that you are discharged from your job. In hopes of correcting your failure to meet the College's attendance standards over the last nine months, you were disciplined as follows:

November 25, 20__: Verbal Warning
December 20, 20__: Written Warning
January 9, 20__: Three-Day Suspension
February 12, 20__: Two-Week Suspension

Issued by: _______________________________
Supervisor's Signature ____________________________

Distribution:   Employee
                Supervisor
                Human Resources
Drug- and Alcohol-Free Workplace

The College recognizes its responsibility to provide a healthy environment within which faculty and staff may work in a drug- and alcohol-free workplace. If an employee is found in violation of College policies, the circumstances accompanying each individual case are considered when determining the consequences. Educational interventions are emphasized; however, when indicated, counseling or other therapeutic activities may be required.

Based on its commitment to assure the safety and health of its employees, the College seeks to maintain work and learning environments free of the unlawful manufacture, distribution, possession, or use of controlled substances or the abuse of alcohol. Drug and alcohol abuse affects the responsible conduct of business, teaching, and learning; therefore, it will not be tolerated.

Policy Objectives

This policy is based on the following objectives:

1. To maintain a safe and healthy environment for all students and employees
2. To maintain the good reputation of the College with the community
3. To minimize accidental injuries to individuals or property
4. To keep absenteeism and tardiness at a minimum and to improve the effective performance of job duties and productivity
5. In appropriate circumstances, to assist in securing alcohol or substance abuse rehabilitation
6. To comply with the federal Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989, and other applicable legislation
7. To adopt and implement a program to prevent use of illicit drugs and abuse of alcohol

Definitions

As used in this policy, the following definitions apply:

1. **Drugs or other controlled substances** mean any substance, including alcohol, capable of altering an individual's mood, perception, pain level, or judgment.

2. A **prescribed drug** is any substance prescribed for individual consumption by a licensed medical practitioner. It includes prescribed drugs and over-the-counter drugs
that have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.

3. An illicit drug or chemical substance is (A) any drug or chemical substance for which use, sale, or possession is illegal under any state or federal law or (B) one which is legally obtainable but has not been legally obtained. The term includes prescribed drugs not legally obtained and prescribed drugs not being used for prescribed purposes.

4. The term controlled substance means a controlled substance in schedules I through V of section 202 of the Controlled Substance Act (21 U.S.C.S. 812) or whose possession, sale, or delivery results in criminal sanctions under the State Controlled Substances Act. In general, this includes all prescription drugs, as well as those substances for which there is no generally accepted medicinal use (e.g., heroin, LSD, marijuana, etc.) and substances that possess a chemical structure similar to that of a controlled substance (e.g., "designer drugs"). The term does not include alcohol.

5. Alcohol means alcohol, or any beverage containing more than one-half of 1 percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

6. Alcohol abuse means the excessive use of alcohol in a manner that interferes, but not chronically with (A) physical or psychological functioning, (B) social adaptation, or (C) occupational functioning.

7. The term conviction means a finding of guilt (including a plea of nolo contendere) and/or imposition of sentence by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

8. Cause for reasonable suspicion shall be established by (A) observation, (B) actions or behaviors of the individual, (C) witness by supervisor or other reliable individual of possession or use, or (D) any other legal measure used for alcohol or drug detection.

9. The term criminal drug statute means a criminal statute involving manufacture, distribution, dispensation, use, or possession of any controlled substance.

10. Sanctions may include completion of an appropriate rehabilitation or assistance program, termination from employment, other disciplinary action, or referral to authorities for prosecution. If an employee has been convicted of a criminal drug statute, sanctions must be imposed within 30 days.

11. Workplace means any office, building, classroom, or property (including parking lots) owned or operated by the College or any other site at which the employee is to perform work.
12. An employee of the College is any faculty, staff, or student receiving remuneration for services rendered.

13. Possess means to be contained either on an employee's person or in an employee's vehicle, tools, or areas entrusted to the employee.

14. Impaired means under the influence of an illegal drug or alcohol such that the employee is unable to perform his or her assigned tasks properly.

Standards of Conduct

The following are standards of conduct for the College:

1. The unlawful manufacture, distribution, possession, or use of illicit drugs or alcohol is strictly prohibited.

2. Sanctions will be imposed on employees (consistent with local, state, and federal laws) up to and including termination of employment and referral for prosecution for violation of the standards of conduct set forth above.

3. The College Safety Committee shall conduct an annual review of its drug- and alcohol-abuse prevention program. It shall determine and put in report format (A) the effectiveness of the program and (B) the consistency of the enforcement of sanctions imposed pursuant to the program. It shall also evaluate whether any changes are needed and shall implement any such changes.

4. The College shall have available for review by the Secretary of Education, or his or her designee, other applicable governmental agencies and the general public, if requested, copies of all documents distributed to employees under the drug- and alcohol-abuse prevention program and also copies of the annual review.

Alcohol- and Drug-Free Awareness Program

The College will establish or participate in an alcohol- and drug-free awareness program to inform employees about the dangers of alcohol and drug abuse. The program will also confirm the College’s policy of maintaining a workplace and learning environment free from drug and alcohol abuse, the availability of alcohol and drug counseling and rehabilitation, employee assistance programs, if applicable, and the penalties that may be imposed upon employees for alcohol- and drug-abuse violations.

Handling Abuse Situations

If a supervisor reasonably suspects that use of a controlled substance or alcohol has affected an employee's job performance, the supervisor shall immediately notify the appropriate department head or other designated administrative official. And upon direction, the supervisor or other
designated administrative official shall discuss with the employee the suspected alcohol- or drug-related problem. The employee should be advised of any available alcohol and drug counseling, rehabilitation, or employee assistance programs, and the terms of any applicable disciplinary sanctions. All such meetings between the employee and the supervisor or other designated administrative official to address the suspected alcohol- or drug-related problem, or its resolution, shall be documented in a memorandum to the record.

Should such discussion or participation in any available alcohol or drug counseling, rehabilitation, or employee assistance program fail to resolve the suspected alcohol- or drug-related problem, or should the employee fail to meet the terms of any applicable disciplinary sanctions, the employee may be subject to disciplinary action up to and including termination.

**Assistance for Employees**

The Campus Nurse will provide referrals to substance-abuse treatment clinics, drug-abuse counselors, and private community organizations involved in rehabilitation programs for alcohol and drug impairment.

**Other Regulations**

A copy of the College's drug- and alcohol-abuse policy shall be provided to employees on or before their first day of employment, along with a signed acknowledgment of receipt of the policy. The signed acknowledgment will be kept in the employee's file.

Any employee whose off-duty use of alcohol, drugs, or other controlled substance results in absenteeism, tardiness, impairment of work performance, or is the cause of workplace accidents, will be reported to the immediate supervisor and Human Resources. Referrals to drug-abuse counselors will be provided by the Campus Nurse.

Any disciplinary action shall be governed by College policies on discipline and dismissal. A record of the action will be placed in the employee's personnel file.

As a condition of employment, employees on government grants or contracts must abide by the required notification statement and must report any criminal drug-statute conviction for a violation occurring in the workplace no later than five days after such conviction. The employer, in turn, must so notify the contracting federal agency within 10 days after receiving notice from an employee or otherwise receiving actual notice of such conviction and within 30 days must impose sanctions on the employee involved. Such sanctions may take the form of personnel actions against such an employee, up to and including termination, or requiring the employee to satisfactorily participate in an approved drug-abuse assistance or rehabilitation program.

**Health Risks of Alcohol, Drugs, and Chemicals**

*Alcohol*
Health hazards associated with the excessive use of alcohol or with alcohol dependency include dramatic behavioral changes, retardation of motor skills, and impairment of reasoning and rational thinking. These factors result in a higher incidence of injury and accidental death for such persons than for nonusers of alcohol. Nutrition also suffers, and vitamin and mineral deficiencies are frequent. Prolonged alcohol abuse causes bleeding from the intestinal tract, damage to nerves and the brain, psychotic behavior, loss of memory and coordination, damage to the liver (often resulting in cirrhosis), impotence, severe inflammation of the pancreas, and damage to the bone marrow, heart, testes, ovaries, and muscles. Cancer is the second leading cause of death in alcoholics and is 10 times more frequent than in nonalcoholics. Sudden abstinence from alcohol by persons dependent on it may cause serious physical withdrawal symptoms.

**Drugs and Chemicals**

The use of illicit drugs and chemicals may cause the same general type of physiological and mental changes seen with alcohol, though frequently those changes are more severe and more sudden. Death or coma resulting from overdose of drugs and chemicals is more frequent than from alcohol, but unlike alcohol, abstinence can lead to reversal of most physical problems associated with drug use. There are also health risks resulting from intravenous drug use. In addition to the adverse effects associated with the use of a specific drug, intravenous drug users who use unsterilized needles or who share needles with other drug users can develop AIDS, hepatitis, tetanus (lockjaw), and infections in the heart. Permanent brain damage may also result. Chemicals, which include solvent inhalants and aromatic hydrocarbons, such as glue, lacquers, and plastic cement also present health risks. Fumes from these substances cause symptoms similar to those of alcohol. Hallucinations and permanent brain damage may occur.
Employment-at-Will Statement

Tusculum College adheres to the principle of employment-at-will. In compliance with employment-at-will, the College or the individual employee may terminate the relationship at any time. The severance of the employment relationship may be based on good cause, bad cause, or no cause at all.
Employment Policy

College employee relations and employment policies are governed by these five principles:

1. Each and every employee is entitled to respect, courtesy, and dignity.
2. Each employee is entitled to fair wages, the fullest practicable employment, safe healthful, and pleasant working conditions.
3. The College is firmly committed to the use of performance evaluation systems to provide fair opportunities for promotion and job development. The College is obligated to determine the best practical job opportunity for each employee in close cooperation with his/her supervisor.
4. The College will apply and enforce each employment policy in a uniform and consistent manner. Each policy shall be applied in the same way regardless of differing facilities, departments, or directors or supervisors.
5. Each employee is obligated to give the College his/her cooperation, loyalty, and personal interest.

Types of Employment

Probationary Employees

Probationary employees are defined as all employees – permanent and temporary – during the first 90 days of employment. Any employee, full-time or part-time, may be assigned probationary status based on unsatisfactory job performance.

The probationary period provides for job adjustment and an opportunity for both the employee and the College to determine whether or not to continue the relationship. Where extraordinary conditions exist, this probationary period may be extended beyond 90 days at the sole discretion of the College.

Employment may be terminated by the employee or by the College for any reason at any time during the probationary period. A probationary employee may not use the grievance procedure.

Full-time Employees

Permanent, full-time employees are those who, upon the end of probation, continuously work the full daily schedule. This employee is eligible for all College benefits, subject to the qualifying conditions of each benefit.

Part-time Employees

An employee who is scheduled to work less than 30 hours a week is considered to be a part-time employee. Part-time employees are not eligible for benefits, with the exception of TIAA-CREF,
for which all employees who work 1000 hours or more per year for two consecutive years are eligible.

**Temporary Employees**

An employee who works on an “as needed” basis and whose weekly hours can vary is a temporary employee and earns no fringe benefits.

**Performance Evaluation**

Each employee’s performance shall be reviewed and appraised at least once each year. New employees are appraised as appropriate for the position during the probationary period. The employee’s immediate supervisor shall be responsible for conducting the review. The review shall consist of two parts; a written appraisal (completion of the approved form and comments) and a discussion of the evaluation with the employee.

The performance review is designed to be a positive learning experience for the employee; therefore, it is important that the supervisor and the employee discuss the evaluation and exchange information about job requirements and performance expectations. Both parties should be able to present their thoughts for work improvement and job success. Both the supervisor and the employee must sign the formal evaluation to acknowledge that a two-way communication has taken place. The performance evaluation will be reviewed by the employee’s supervisor and the appropriate senior administrator and sent to Human Resources for inclusion in the employee’s personnel file.
Equal Employment Opportunity

The College’s policy prohibits discrimination or harassment in any manner because of race, sex, color, national origin, age, ancestry, protected physical or mental disability, medical condition, marital status, or any other characteristic protected by law. Except in situations where it is more appropriate for the College to prefer an individual because of his or her religious creed, the College prohibits discrimination on this basis, and in all situations prohibits harassment on this basis.

It is the practice of the College to employ and advance whenever possible members of diverse groups who are qualified or who may become qualified through appropriate training or experience within a reasonable length of time. Included are women, minorities, men and women over age 40, persons of different ethnic groups, persons of different religious and racial backgrounds, and persons with protected disabilities.

In an effort to treat all applicants equally and fairly, the following are procedures used by the College to secure a varied pool of qualified applicants.

When a position becomes open within the College, a Request for Employment Position is prepared and signed by the required management personnel. A position (job) description is attached to this position request form. Advertising for the position commences and may be sent to various media. This would include the job title, a condensation of the position description, required qualifications and attributes (minimum for consideration) and preferred qualifications, if any, (possession of which may be reason for favoring one candidate over another one). Other items such as contact information, information on what and how to submit, and closing date would follow with a tagline “Equal Opportunity Employer” or EOE.

Applications are received, date stamped and entered on the search database. A search committee is formed (at least three persons and ideally no more than five persons) usually within the department seeking a candidate and all applications are sent to the search committee which first reviews them for the minimum required qualifications. Those not meeting these minimum standards are set aside. During the next phase the list is narrowed and viable candidates are identified. Interviews are set (sometimes telephone interviews are performed prior to the face-to-face interviews) and the questions asked are relevant to the position and are asked in such a way as to avoid any sign or inference of preference of one applicant over another. When a candidate is identified (there is agreement among all committee members), an offer of employment is extended to the candidate.

After a search has ended, a list of all applicants, a list of those candidates interviewed, and a list of the search committee members is placed in the front of the search file. This information, along with all applications submitted is retained on file for at least 3 years. At the end of this period, the applications are shredded but the list of applicants, the list of candidates who were interviewed, and the list of the search committee members is retained for at least 2 more years.
The College has been successful in employing and retaining a diversified employee base including women, senior men and women, minorities, non-citizens, and persons of different religious, racial and ethnic backgrounds.

**Federal Family and Medical Leave Act**

The *Family and Medical Leave Act of 1993* (FMLA) took effect on August 5, 1993. Eligible employees with at least 12 months of service and who worked for the employer at least 1,250 hours during the year preceding the start of unpaid leave, may request up to 12 weeks of unpaid leave in any 12-month period for one or more of the following reasons:

- To care for the employee’s newborn child or a child placed with the employee for adoption or foster care
  - To care for the employee’s spouse, son or daughter, or parent, who has a serious health condition
  - Because of a serious health condition that makes the employee unable to perform the employee’s job

For the purposes of this policy, a *serious health condition* is an illness, injury, or physical or mental condition involving inpatient care or continuing treatment by a healthcare provider.

This definition is meant to include pregnancy and prenatal care; chronic conditions (such as asthma, diabetes and epilepsy) that continue over an extended period of time, but may involve periods of incapacity of less than three days and do not involve a visit to a health care provider; long-term conditions for which treatment may not be effective; and treatment involving multiple visits to a health care provider, such as dialysis, physical therapy, or chemotherapy, with which the covered employee would likely be incapacitated for more than three days. A “serious health condition” is not intended to cover short-term conditions, such as the common cold, the flu, and upset stomach, etc. These are covered by the College’s sick leave policy.

**Length of Allowable Leave**

FMLA leaves may be approved for a maximum of 12 weeks in a 12-month period. For purposes of this policy, a “rolling” 12-month period will be used, measured backward from the date an employee uses any family leave. (For instance, if an employee uses 10 weeks FMLA leave beginning with June 1 of any given year, the employee would have 2 more weeks unpaid leave allowable until May 31 of the following year. Then a new FMLA leave period would begin.

Spouses who are both employed by the College are allowed a combined total of 12 weeks of FMLA leave within a 12-month period for the care of a newborn or adopted child, or to care for a
parent with a serious health condition. If leave is requested due to the illness of a child or of the other spouse, each spouse is allowed 12 weeks of leave.

In the case of the serious health condition of a family member, employees may request leave in continuous periods, intermittent periods, or by a reduced work schedule, to a total of 12 weeks. In cases of reduced schedules or intermittent leave, a department supervisor may transfer the employee temporarily to an alternative position to accommodate the needs of the work area. In such situations, the employee’s salary rate and benefits should remain the same.

Leave to care for a newborn or a newly adopted child should normally be taken in continuous periods and must be taken within 12 months of the birth or placement of the child. Intermittent leave or reduced schedules may be arranged only if agreed to by the department supervisor, Human Resources Department, and the employee.

Requests for FMLA leave to exceed 12 weeks will be reviewed in accordance with the circumstances of the request, considerations of work coverage, and the provisions of the College’s general policy on leave (if any) without pay.

**Requesting FMLA Leave**

Employees are expected to provide as much advance notice of the need for a leave as is possible to allow for planning of coverage in the employee’s department (at least 30 days notice, if possible).

Requests for leave of absence should be given in writing to the employee’s supervisor with a brief explanation of the reason for the leave. The supervisor should present this to the HR Department. Human Resources will then confirm that the leave will count against the annual entitlement under FMLA and notify the employee, in writing, before the leave begins.

Certification from a qualified healthcare provider (a sample form follows this section) will be required for approval of a leave to care for a seriously ill or injured family member. Such certification should be provided before the leave begins (or in as timely a manner as possible) and should include the following:

- The date on which the illness or condition began.
  - The estimated duration of the condition.
  - A statement that the illness or condition warrants the participation of the employee to provide care.
  - In the case of intermittent leave, the dates and duration of treatments to be given.

The College may require that a second medical opinion be obtained. This evaluation is done at the expense of the College and must be obtained from a healthcare provider who is not employed...
by the College. In the event of conflicting opinions, the supervisor may ask for a third and final provider (at the expense of the College) to offer a binding decision.

Additional certification may be requested for any extension of a leave period beyond the dates originally approved. Periodic status reports (in the case of very serious illness of the employee) and an eventual intent-to-return to work report may be required.

**Continuation of Benefits During Family and Medical Care Leave**

Health insurance coverage (and dental and life insurance or other benefits if the College maintains such benefits for employees taking non-FMLA, unpaid leave) continues during family and medical care leave periods. Also, the employee will still be required to pay his or her share of the premium if the health insurance plan or other insurance provides for such co-payments. Failure to make health insurance (or other) premium payments in a timely manner may result in the loss of such benefits. 15 days’ advance notification of termination of coverage must be given by the employer before coverage can be terminated for unpaid premiums.

The College may choose to pay such premiums for the employee while the employee is on leave and collect them when the employee returns to work. But an understanding should be reached (before the leave begins) about the employee’s responsibility regarding premium payments in the event the employee does not return to work.

Under IRS rules, contributions to College pension plans are not allowed during leaves without pay.

Accrual of (vacation and sick leave) benefits does not continue during unpaid leave. However, an employee’s use of the FMLA leave cannot result in the loss of any employment benefits that accrued prior to the start of the leave. And the College requires that the employee substitute any accrued, unused vacation leave, or accrued sick leave as part or all of the 12-week period.

**Conditions of Return from Family and Medical Care Leave**

At the completion of the approved leave period, an employee is entitled to be reinstated to his or her former position or a position of equivalent responsibility, status, benefits, and pay within the College upon submission of a *fitness-for-duty statement or certificate* from the employee’s physician. The employee should notify the HR department two weeks before the employee intends to return to work.

If the employee cannot return at the end of the approved leave period, the College does not have to reinstate the employee to his or her former position or a position of equivalent classification, status, and pay when the employee is able to return. This would be entirely at the discretion of the College.

If the employee is an employee within the highest paid 10 percent of the College workforce, and if returning him/her to work causes substantial and grievous economic injury to the College, there

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is no obligation to restore him/her to his/her previous position. However, the employee must be notified of his/her “key” employee status, and if the leave has already begun, he or she must have the option of returning to work after learning of the College’s intent.

**How is the Act Enforced?**

The *Family and Medical Leave Act* is enforced by the Wage and Hour Division of the U. S. Department of Labor. An employer may not discriminate or in any way interfere with an employee’s exercise of rights under the Act.
Grievance Procedure

A grievance is an allegation by an employee based upon specific facts that there has been a violation, misinterpretation, misapplication, discriminatory application, or unreasonable application of a College policy, procedure, rule, or regulation regarding the employee's employment conditions. A grievance gives the employee an opportunity to present his or her version of any such dispute.

Employees are assured that they have a right to file what they feel to be legitimate grievances and to follow the formal procedure through the appeal process if necessary without fear of censure or reprisal. This policy shall be applicable to all grievances based upon occurrences arising at or subsequent to the effective date of this procedure. All grievances should be brought to the attention of the appropriate Vice President and the Human Resources Dept. by the appropriate supervisor.

Supervisors and employees must continually establish a rapport through a free exchange of communication. When this type of mutual trust exists, there should be no need for use of formal grievance procedure. However, Tusculum College employees are afforded the right to use the following procedure:

Any grievance that is to be considered under this procedure must be brought to the attention of the employee’s immediate supervisor within one calendar week after the time the employee first has knowledge of the event or circumstance which is the basis for the grievance; provided, however, that no such grievance may be considered under this procedure after one year from the date of such event or circumstance.

Since most grievances can be settled in conversation between the employee and his or her immediate supervisor, a written grievance will not be considered unless the grievance has first been discussed with such supervisor, and the supervisor has had three working days to give an answer to the employee.

If the grievance has not been resolved to the satisfaction of the aggrieved employee, he or she shall file a memorandum in letter form with his or her immediate supervisor within three working days after receiving the supervisor’s answer. The employee must also deliver a copy of such memorandum to the Human Resources Office. The memorandum should be signed and dated and should include, but need not be limited to, the following:

- Statement and basis of the grievance.
- Dates(s) of the occurrence(s).
- Attempts made to resolve the grievance.

Such memorandum will be given to the Director of Human Resources. The Director of Human Resources will meet separately with the employee and the supervisor, and with such other person or persons as he or she may deem appropriate, and will review such documents and other materials as he or she may deem necessary for a full review of the facts relating to the grievance. The Director of Human Resources will provide the employee with a decision within three working days after such meeting. However, the Director of Human Resources may extend or modify the time limit.

If the aggrieved employee is not satisfied by the above decision, he or she may appeal such decision by notifying the Director of Human Resources in writing within three days of his or her learning of the decision. Such written notification shall state the basis of the appeal. Such appeal shall be considered by the Grievance Appeal Committee of three persons to be appointed by the President of the College. This Committee shall meet with the aggrieved employee at a time mutually convenient to such employee and the Committee. At this meeting, the aggrieved employee may be accompanied, if he or she so desires, by a non-attorney representative or advisor of his or her choosing. The representative or advisor must be a College employee. The Committee may also elect to meet with the aggrieved employee’s supervisor. The Grievance Appeal Committee shall
make a recommendation to the President of the College, whose decision to approve, disapprove, or modify the Committee’s recommendation, shall be final.

Excluded from this grievance policy are complaints concerning:

1. Wages and salaries;
2. Performance-related dismissals during the probationary period of employment;
3. College statements concerning policies and rules;
4. Falsification of application (or resume) for employment and other employment related documents.
5. Legitimate performance evaluations and associated actions relative to such evaluations, except insofar as it is alleged that discrimination has occurred on the basis of race, color, religion, sex, age, national origin, or handicap.
Hiring and Recruitment

The following are key procedures used when seeking to fill a staff or faculty position for the College. Please follow the attached procedure.

1. The Vice President of the department completes a Request for Employment Position form Section I and Section II and signs where indicated.

2. He prepares a complete position description and attaches it to the completed Request for Employment Position form. These pages are forwarded to the Vice President for Business and Finance for approval and signature. The Vice President for Business and Finance will take the request to the President for approval and signature. Once his/her signature is obtained, the form is taken to Human Resources. The position is legitimate and advertising may begin. Until this procedure is complete, no advertising, interviewing, or hiring can begin.

The standard job announcement should include the following:

1. Starting date
2. Closing date for applications (If applicable)
3. Salary (Not always released to Public)
4. Educational Requirements and minimum qualifications
5. Job responsibilities
6. General college information (Usually only given for upper level positions)
7. Procedures for applicants to follow to submit
8. Human Resources includes the following statement in all job announcements and advertisements: “The College is an Equal Opportunity Employer” or EOE.

3. Ads for clerical support are generally prepared by the Human Resources Director in collaboration with the Vice President or Department Head, but when advertising for faculty positions, the appropriate Division Director or Vice President may want to prepare the ad and submit to HR. Job announcements shall be sent to appropriate newspapers, professional organizations, and the College, of course, will attempt to fill open positions from within.

4. Resumes/Vita are received by the Director of Human Resources, date stamped, and recorded on a database for a permanent record. A search committee from the hiring department is formed (usually 3-5 persons) and they come together to review all applications. Resumes are reviewed first to determine which applicants meet the minimum position requirements. Those that do not are set aside. Those that meet the minimum criteria are then reviewed again to determine other factors such as job stability, computer literacy, relevant experience, etc. The top candidates are then called for an interview (some departments prefer to do a phone interview before a face-to-face interview).

5. Usually the Search Committee meets with the candidates, one-on-one, and from these interviews likely candidates for the position are selected. References are checked at this time.

6. If references are satisfactory and a good candidate is located, an offer is made (keeping within the approved salary range from the Employment Position Request), usually by
the Vice President or Department Head. Human Resources should be called as soon as an offer is accepted and the open position request will be pulled and sent to the Vice President so that Section III, Employment Letter Information can be completed and signed. The Vice President then forwards the paperwork to the Vice President for Business and Finance who will then approve and take to the President for final approval. The signed form is then taken to the President’s secretary who prepares the employment letter.

7. The paperwork is taken to the Director of Human Resources who completes Section IV, Human Resource Information. The new employee information is entered on the employee database, a personnel file is opened for the new employee, and an orientation folder is prepared.

8. The database list of all applicants and all resumes/vita are retained. A cover sheet showing who was hired, date of hire, a list of those interviewed, and a list of all Search Committee members is placed in the front of that file.

9. The Human Resource Director will make a formal announcement of the appointment in a Campus Memo.

10. Human Resources will notify all unsuccessful candidates that the position has been filled.

**Recruitment**

The College's policy prohibits discrimination in any aspect of personnel relations because of race, sex, religious creed, color, national origin, age, ancestry, qualified handicap, medical condition, sexual orientation, or marital status, except in situations in which it is more appropriate for this College to prefer an individual because of his or her religious creed.

*Search Committee:* To the maximum extent feasible, women and minorities should be included on search committees.

*Selection Criteria:* Substantive criteria (job description and qualifications) for the position should be established prior to recruitment or advertising. In all cases, standards and criteria for appointments should be made reasonably explicit and should be accessible to all employees and applicants.

**Job Description**

The Vice President or Department Head should develop a thorough job description by conducting an analysis to identify actual tasks performed, their frequency, and the importance of specific employee traits or skills needed. Job descriptions and hiring standards should reflect major job functions. The faculty and/or staff should have involvement in this process.

Criteria for evaluating prospective faculty or staff are inferred from the job description for the position. Developing a thorough job description is the essential first step to conducting a successful search since it can guide interview questioning and become the final rating instrument.

**References and Interviews**
Reference checks should be made on final candidates for any faculty, exempt, or non-exempt staff position. If possible, the references should be in writing. A standard set of questions shall be used. Questions not permissible under Equal Employment Opportunity guidelines shall be excluded.

Structured interviews, conducted by individuals sensitive to EEO goals, are useful tools in assessing the candidate. Interviewers shall consistently and uniformly apply the same evaluation criteria to all interviewees. The interviewers should evaluate each candidate's individual ability and potential and be familiar with the actual job requirements.

Questions regarding race, religion, creed, ethnic group, national origin or ancestry, political beliefs or affiliations, marital or family status, or age should be eliminated from the interview process unless they relate to a job requirement.

No College employee may function as judge or advocate in specific situations involving members of his or her immediate family (such as the employee's spouse, child, parent, grandparent, brother, sister, mother-in-law, father-in-law, son-in-law, or daughter-in-law). Members of the faculty or staff should neither initiate nor participate in institutional decisions involving a direct benefit (such as initial appointment, retention, promotion, salary, or leave of absence) to members of their immediate families.
Job Posting

The College fills job vacancies, whenever practical, by promotion or transfer from within the College. Openings that can be filled by reorganization within the same office will not be posted. All other regular staff positions are posted on the College Web site and via Campus Memo to all staff members. These postings give information including job title, a brief position description, key position qualifications and requirements, and information on how to apply.

Employees who have successfully completed their new employee period and who are interested in a particular position, for which they are qualified, may apply to the Human Resources Department. Employees applying for a new position will have their job-related experience, skills, qualifications, and previous work record taken into consideration. An open position will be filled by the most qualified candidate after a full and fair search has been made. Employees transferred to another position that is considered an upgrade may be eligible for a salary increase commensurate with the new position. The employee who has transferred will be a new employee for a probationary period of three months, but will retain benefits already in force.
Liability Insurance

The College carries liability insurance to protect its financial assets from lawsuits. It carries a limit commensurate with the perceived risk for bodily injury and property damage. Also, a directors and officers policy is carried to protect against certain risks related to the operations. Officers and employees are also covered for certain offenses that arise from actions taken that are within the scope of their duties as an officer or employee of the College.

This is but a brief overview of the coverage and will not alter the coverage, limits, exclusions or conditions that can only be found in the insurance policy.
MATERNITY LEAVE

In keeping with Tennessee law, full-time female employees, who have been employed by Tusculum College full-time for at least twelve (12) consecutive months may take up to four (4) months leave for pregnancy, childbirth, and for nursing the infant. Such leave shall be known as maternity leave.

Maternity leave shall be without pay and shall not affect the employee’s right to receive vacation time, sick leave, bonuses, advancement, seniority, length of service credit, benefits, plans or programs for which she was eligible at the date of her leave, or any other benefit or right she would otherwise be entitled to receive pursuant to her employment position; provided the employee pays the cost of any such benefit during the period of maternity leave to the extent the same would not have been paid by Tusculum College for all employees under approved leaves of absence.

A female employee who gives at least three (3) months advance notice to Tusculum College of her anticipated date of departure for maternity leave, her length of maternity leave, and her intention to return to full-time employment after maternity leave, shall be restored to her previous or a similar position with the same status, pay, length of service credit and seniority, wherever applicable, as of the date of her leave. A female employee who is prevented from giving three (3) months advance notice because of a medical emergency which necessitates that maternity leave begin earlier than originally anticipated shall not forfeit her rights and benefits solely because of her failure to give three (3) months advance notice.

The foregoing notwithstanding, if the employee’s job position is so unique that Tusculum College cannot, after reasonable efforts, fill that position temporarily, then Tusculum College shall not be liable for failure to reinstate the employee at the end of her maternity leave. In addition, if Tusculum College finds that the female employee has utilized the period of maternity leave to actively pursue other employment opportunities or if Tusculum College finds that the employee has worked part time or full time for another employer during the period of maternity leave, then Tusculum College shall not be liable for failure to reinstate the employee at the end of her maternity leave.

If Tusculum College determines that the employee will not be reinstated at the end of her maternity leave because her position cannot be filled temporarily or because she has used maternity leave to pursue employment opportunities or to work for another employer, Tusculum College shall so notify the employee.

Family and Medical Leave time permissible under federal law is not in addition to maternity leave but runs concurrently with maternity leave. (Refer to Family and Medical Leave included herein)
Nepotism

It is the policy of the College to seek the most qualified persons to fill its teaching, administrative, and staff positions. However, effective from the date of this policy, members of the same family may not be appointed to faculty and staff positions in the same department. In addition, no family member may have direct or indirect supervision over the progress, performance, pay, or welfare of another, and together they may not be involved with matters of financial controls and physical inventories of College properties.

For the purpose of this policy, members of the same family include spouses, children, stepchildren, wards, grandchildren, parents, grandparents, siblings, in-laws, uncles, aunts, nieces, nephews, and cousins.
Outside Employment

Policy Statement

It is the policy of the College to permit employees to hold second jobs, subject to certain restrictions as outlined below.

Effective Date

This procedure is effective upon receipt and supersedes all prior issued procedures.

Application

This procedure applies to all exempt and nonexempt salaried and hourly employees of the College.

Restrictions to Outside Employment

The College requires that employees' activities away from the job must not compromise the College's interests or adversely affect job performance and ability to fulfill all responsibilities to the College.

Full-time employees are permitted, but are not encouraged, to engage in outside employment or other work activity.

Employees are cautioned to consider carefully the demands that additional work activity will create before seeking or accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity does cause or contribute to job-related problems, such employment must be discontinued; and, if necessary, normal disciplinary procedures will be followed to deal with the specific problem.

The College will be particularly concerned about outside employment that—

- Will reduce the employee’s efficiency in working for the College or
- Involves working for an organization that does a significant amount of business with the College, such as major contractors, suppliers, etc.

All employees are prohibited from engaging in any activity that compromises the College's image. This prohibition includes the unauthorized use of any College tools, equipment, or resources. In addition, employees are not to conduct any outside business during paid working time.

Employees who have accepted outside employment are not eligible for paid or unpaid excused-absence leave when the absence is used to work on the outside job or is the result of an injury.
sustained on the second job. Fraudulent use of sick leave will be subject to disciplinary action up to and including termination.

**Administration**

It is recommended that an employee who accepts outside employment, including self-employment, should notify their immediate supervisor in writing. The notification should state the name and address of the outside employer, the nature of the job, and the hours and days of employment.
Overtime & Compensatory Time

College employees, whose positions are classified as nonexempt from the overtime provisions of the Fair Labor Standards Act, will be covered by the following overtime policy.

The College shall keep overtime to a minimum under all circumstances and shall pay nonexempt employees for overtime in strict accordance with state and federal requirements.

Overtime will be paid at the rate of time and one-half only for those hours worked over forty (40) hours per week. No employee may work overtime or be paid for overtime work unless it is expressly authorized.

Compensatory Time

Department heads may arrange compensatory time for non-exempt employees on an hour-for-hour basis. No employee may collect more than one working day of compensatory time without taking time off.

Definition

Compensatory time is defined as leave time which is given after approval for hours actually worked on the job exceeding 40 hours during the College work week. Compensatory time may be given in lieu of overtime pay. It should be calculated at the rate of one hour of compensatory time for one hour of time worked beyond 40 hours during the work week.

Work Week for Computing Compensatory Time

The standard College work week is 12:01 a.m. Saturday through midnight Friday.

Application

Exempt Status: Provisions of the Fair Labor Standards Act do not apply for those employees with exempt status and, therefore, positions in this category are not eligible for compensatory time.

Non-exempt Status: Provisions of the Fair Labor Standards Act do apply and positions in this category are eligible for compensatory time.

Compensatory time must be scheduled and approved by the employee’s immediate supervisor.

If compensatory time cannot be taken during the work period in which the authorized overtime occurs, the employee will receive payment for these hours at 1.5 times his/her hourly rate.
Performance Evaluation

Preface

Primary supervisors are responsible for evaluating work performance of their employees. The purpose of employee performance evaluations is to identify areas of strength and weakness, improve work performance, and provide a basis on which decisions may be made concerning retention, promotion, merit increases, or special adjustments.

Performance evaluation is a responsibility of every manager and is a justified expectation of employees. Whenever possible, the immediate supervisor should do the performance evaluation.

A formal evaluation of performance of all employees, staff and faculty, is required at least once a year. The performance evaluation is prepared by the employee’s immediate supervisor and reviewed, with any needed recommendations, with the employee. The evaluation is then signed by both parties and sent to the appropriate vice president. After the vice-president’s review, the evaluation is sent to Human Resources Department and inserted in the employee's personnel file.

Keep in mind that this form serves as the official record of performance evaluation and should be as complete as possible. The department many retain one copy of the evaluation for reference in later evaluations. A series of evaluations becomes a record that should support decisions such as promotion or dismissal.

General Contents of Evaluation

Each performance evaluation shall address job knowledge, productivity, quality of work, initiative, dependability, managerial qualities (if applicable), overall rating of performance, and supervisor and employee comments. Safety and loss control shall be addressed only if applicable. The form used must address all of the above issues.

The Human Resource Department provides evaluation forms to be used.
Probationary Period and Review

Policy

Each new employee is subject to at least a three-month probationary period. During this period the supervisor is expected to provide the employee with adequate instructions for carrying out his or her duties and to help him or her adjust to his or her position.

Upon completion of the probationary period, the new employee is to receive a performance evaluation. An employee whose work has been satisfactory should be continued in the employ of the College and a regular employment letter would be issued. An employee whose work has been unsatisfactory could be separated from employment at the College if the situation warrants. But, for a borderline situation, it may be prudent to extend the probationary period if it is thought that further instruction or training could produce a productive and satisfactory employee.
Promotion

Policy

It is the policy of the College to fill job vacancies by promotion from within if qualified employees are available, and provided such promotions are consistent with equal opportunity policies of the College.

The College's policy prohibits discrimination in any aspect of personnel relations because of race, sex, age, physical handicap, or national origin except in situations in which it is more appropriate for this College to prefer an individual because of his or her religious creed.

It is the aim of the College to provide opportunities for employees to realize their potential and assist them both to function more effectively and reach a level commensurate with their abilities and ambitions. In furthering this aim, supervisors have the following responsibilities relative to promotions:

• To develop opportunities for growth and advancement of employees
• To enable employees to receive necessary training
• To discuss promotion opportunities and requirements with each employee
• To open promotion opportunities to all employees regardless of status.

To ensure equal employment opportunity when a promotion opportunity arises, applicants should be sought—

• within the immediate work unit,
• elsewhere in the College,
• and, if not able to be found there, in the labor market.

An employee promoted to a higher level position may receive a promotion increase.

Procedure

To process the paperwork for a promotion, an Employment Position Request form should be completed by the appropriate vice president and forwarded to the appropriate persons for signature indicating new salary, effective date, and change in title. If the promotion involves a transfer, the department gaining the employee should prepare the paperwork for signature.

The College encourages promotion from within by posting job openings as they occur. Job openings are placed on the College’s website (www.tusculum.edu under employment opportunities) and through Campus Memos describing the position and requirements.
Sexual Harassment

The College is committed to the maintenance of an academic and working environment free of all forms of discrimination or coercion that adversely affect the working or learning environment. It is fitting that the College reaffirm this commitment, specifically as it pertains to sexual harassment or harassment relating to a person’s race, sex, sexual orientation, religion, national origin, age, or physical condition.

Sexual harassment is a form of misconduct that undermines the integrity of the College’s relationship with its employees and students. No employee or student—either male or female—should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.

Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior which is not welcome, which is personally offensive, which debilitates morale and which, therefore, interferes with our work and study effectiveness.

Such conduct, whether committed by members of the administration, staff, faculty, students or non-College employees, is specifically prohibited. This includes: offensive sexual flirtations, advances or propositions, the attempt to coerce an unwilling person into a sexual relationship, offensive verbal comments about an individual concerning his or her appearance, the wanton display of sexually suggestive objects or pictures, the unwelcome emphasizing of sexual identity, or any offensive physical contact.

In addition, no one should imply or threaten that an applicant’s, employee’s or student’s “cooperation” of a sexual nature (or refusal thereof) will have any effect on the individual’s employment, assignment, grades, compensation, advancement, career development or any other condition of employment or study.

Sexual harassment in any situation is reprehensible; it is particularly damaging when it exploits the educational dependence and trust between students and faculty/staff. When the authority and power inherent in faculty/staff relationships to students, whether overtly, implicitly, or through misrepresentation, is abused in this way, there is potentially great damage to individual students, to the person complained of, and to the educational climate of the College.

Individuals who believe they have been sexually harassed may obtain redress through the established Grievance/Conflict Resolution Procedure of the College. Before filing a formal grievance, it may be useful for individuals who believe they are experiencing sexual harassment to consider the following preventative measures:

1. Sexual harassment constitutes uninvited and unwelcome behavior of a sexual nature. It is important, therefore, to deal with such behavior immediately, usually by saying a firm “no” to the offender. Do not smile or joke, which may be taken for a lack of serious intent. When confronting the offender do so in the presence of another person or persons or witnesses. Keep a record of the incident, the time, and the circumstances.

2. An alternative approach is to write a letter to the offender. It should be polite and low key. Give a careful description of what has happened as you understand it. Be specific as regards dates, times, circumstances. Describe your feelings and the damage you think has been done. State that you want an end to the harassment and the manner in which you wish to be treated in the future. Have the letter hand-delivered by a friend. Keep a copy.

3. If for any reason you have permitted such behavior, but now wish it to cease you are responsible for notifying the alleged offender in the presence of a witness, or by mail, that you no longer wish the behavior to continue.
Avoiding Appearance of Conflict

Faculty members and other individuals in positions of authority should be sensitive to questions about mutuality of consent that may be raised and to the conflicts of interest that are inherent in personal relationships where professional and education relationships are also involved. Thus faculty and staff should exercise extreme caution and the maturest possible judgement in considering personal relationships with students since such relationships may lead to the perception if not the reality of special treatment and can undermine the atmosphere of trust upon which the educational process depends.
Smoking

The College has adopted this nonsmoking policy:

1. All buildings, owned or leased by the College, shall be designated as nonsmoking areas. This includes campus residence halls, the lunchroom, and all offices and classrooms.

2. Areas that are exempt from this policy include off-campus buildings, owned or leased by the College, that are used solely as private residences.

3. Individuals who fail to abide by the provisions of this policy will be referred to the Dean of Students (if a student), or to the immediate supervisor if faculty or staff, for disciplinary action.
Termination of Employment  
(see also Discipline)

Termination Procedures

To voluntarily terminate employment with the College, one may do so by written notification to the supervisor who should forward the original to Human Resources to be placed in the personnel file. This notification is to be presented at least two weeks prior to the date of termination for non-exempt personnel and at least one month prior for exempt personnel whenever possible. The employee must work two weeks after the date of notification of termination (for non-exempt personnel) and at least one month after notification of termination for exempt personnel. An employee who leaves employment before the notice is worked, accrued vacation days will be forfeited.

If proper notice is worked, payment will be made for vacation time accrued (up to the number of days allowed by College policy) up to the last day of work at the College.

Dismissal

Before discharging an employee, the department head will communicate any dissatisfaction with the employee first verbally. Conferences with new employees are always encouraged during the probationary period.

The following procedures must be followed by the department head prior to a dismissal:

1. The employee must be advised of any deficiencies in at least two conferences. The department head must keep on file written records of any interviews indicating the time and date such interviews take place.

2. The vice president in whose area the employee works must be notified.

3. The Director of Human Resources must be advised of the supervisor's intention to discharge the employee.

4. Employees must be given a two-week notice of termination or two weeks’ pay in lieu of notice except as cited below under causes for immediate termination.

Valid reasons for termination may include, but are not limited to the following:

1. Unsatisfactory job performance
2. Repeated absences without notification
3. Excessive tardiness
4. Failure by employees to record their in and out times
5. Leaving the job without the supervisor's permission
6. Failure to observe College regulations
7. Abuse of College sick leave and short-term disability program
8. Repeated use of obscene language
9. Abandonment of job or three consecutive unexcused or unauthorized absences
10. Dishonesty

Causes for immediate termination (two-week notice not required) include, but are not limited to the following:

1. Substance abuse or the use, possession, manufacture, or distribution of illegal drugs on College property
2. Theft or malicious damage to College property or physical abuse to another employee
3. Illegal gambling on College property
4. Insubordination
5. Fighting on College property
6. Sexual harassment
7. Falsification of employment record

In all cases, a written record of the termination must be made in the employee's personnel file.

Upon terminating employment with the College or dismissal, the Payroll Department will withhold remuneration until all college keys, ID cards, charge cards, College auto, etc. are turned over to your immediate supervisor.
Weather Conditions

Closing Offices of the College

On rare occasions, weather conditions are severe enough to require the College to be closed. When this is the case, administrative and staff members are not expected to be at work except for those areas where work is required for the safety of individuals or the protection of properties.

The following procedures are used on days when snow, ice, or other weather conditions necessitate the closing or delaying of operations for the College.

1. The office of the Vice President for the Residential College will announce when the College is closing or delaying classes. It will not announce when the College is open.
2. Announcements will be made by the following:

<table>
<thead>
<tr>
<th>Radio Stations</th>
<th>TV Stations</th>
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<tbody>
<tr>
<td>WSMG 1450 AM</td>
<td>WJHL – Channel 11</td>
</tr>
<tr>
<td>WGRV 1340 AM</td>
<td>WCYB – Channel 5</td>
</tr>
<tr>
<td>WQUT 101.5 FM</td>
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<tr>
<td>WXBQ 96.9 FM</td>
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</table>

3. Attempts will be made to open the computer lab and the library during times when the College is closed. In some circumstances, however, these attempts may be unsuccessful.
4. Every effort will be made to keep the switchboard open even when the College is closed.
5. Those who have questions or are in doubt should call the Vice President for the Residential College, their immediate supervisor, another faculty member, etc.

There will be occasions when the College might delay the opening of school until 10:00 a.m. This will be announced following the same procedures as listed above.

PROFESSIONAL STUDIES PROGRAM

Professional Studies’ decisions will be made by 3:00 p.m. and communicated by telephone to class representatives and class members. Announcements will also be made over radio stations in Knoxville, Greeneville, and Tri-Cities areas. These decisions will be made by our Greeneville and Knoxville offices respectively. It is quite possible that one program might be closed when the other is operating. Professional Studies announcements will be made by the following media outlets:

Radio Stations

<table>
<thead>
<tr>
<th>Radio Stations</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>WXBQ</td>
<td>96.9 FM</td>
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<tr>
<td>WQUT</td>
<td>101.5 FM</td>
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<tr>
<td>WTFM</td>
<td>98.5 FM</td>
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<tr>
<td>WIKQ</td>
<td>98.5 FM</td>
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<tr>
<td>WGRV</td>
<td>1340 AM</td>
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<tr>
<td>WSMG</td>
<td>1450 AM</td>
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<tr>
<td>WMXK</td>
<td>95.9 FM</td>
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<tr>
<td>WMTM</td>
<td>1300 AM</td>
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