

Fayetteville Technical Community College EMPLOYMENT AND AFFIRMATIVE ACTION MANUAL

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Fayetteville Technical Community College
P.O. Box 35236
Fayetteville, North Carolina 28303-0236

(910) 678-8400

Fayetteville Technical Community College is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to award associate degrees, diplomas and certificates. Contact the Commission on Colleges at 1866 Southern Lane, Decatur, Georgia 30033-4097 or call 404-679-4500 for questions about the accreditation of Fayetteville Technical Community College. The Commission is to be contacted only if there is evidence that appears to support an institution's significant non-compliance with a requirement or standard.

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VI-1 INSTITUTIONAL POLICY STATEMENT

The Board of Trustees and the administration of Fayetteville Technical Community College are fully committed to the principles and practice of equal employment and educational opportunities. Accordingly, Fayetteville Technical Community College does not practice or condone discrimination, in any form, against students, employees, or applicants on the grounds of race, color, national origin, religion, gender, age, disability or political affiliation. Fayetteville Technical Community College is committed to positive action to secure equal opportunity.

Fayetteville Technical Community College supports the protection available to members of its community under all applicable Federal Laws, including Title VI and VII of the Civil Rights Act of 1964 and 1991, Title IX of the Education Amendments of 1972, Sections 799A and 845 of the Public Health Service Act, the Equal Pay and Age Discrimination Acts, the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, the Family and Medical Leave Act of 1993, and Executive Order 11375.

The plan outlined in this document reflects the commitment of the trustees and administrators of this College to preclude any form of discrimination in the selection and utilization of its employees and to promote equal opportunity employment. The formulation, statement, application, and monitorship of all personnel policies and practices will be supportive of this commitment.

All employees of Fayetteville Technical Community College are expected to support the principles of and contribute actively to the realization of equal employment opportunity. Any member of the faculty and staff who imposes a detriment on any other employee, applicant for employment, or student through failure or refusal to act in concert with these principles will be subject to appropriate disciplinary action. As an institution which seeks to encourage excellence in all areas of endeavor, Fayetteville Technical Community College is dedicated to the maintenance of high standards in the selection, evaluation, and utilization of its faculty and staff. Those actions taken in pursuit of equal employment opportunity must therefore support the fair and consistent application of such standards. No advantage will be conferred, nor will any reduction in quality be accepted because of race, color, national origin, religion, gender, age, disability or political affiliation. Rather, the affirmative actions taken by the institution will be directed toward enhancing the professional opportunities and qualifications of all its present and potential employees and the student body they serve.

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VI-2 AFFIRMATIVE ACTION PROGRAM OBJECTIVES

Fayetteville Technical Community College is committed to the concept of affirmative action to avoid all vestiges of discrimination in its personnel policies, procedures and actions, and it intends that all college employees and all citizens within its service area be made aware of this commitment. The Board of Trustees charges the administration, faculty and staff of the College with the responsibility of implementing the doctrine of affirmative action in achieving the following objectives:

- (1) To affirm and extend the College's commitment to the principles of equal employment and educational opportunities.
- (2) To inform citizens in the service area that the administration and employees of the College practice the precepts of fair and equal treatment in the execution of recruitment, employment, and personnel utilization procedures.
- (3) To contribute to the development of a community in which opportunity is available for all individuals regardless of race, national origin, color, religion, gender, disability, age or political affiliation and to utilize the human and material resources of the College to provide opportunities for the development of the skills and attributes inherent in all members of the community.
- (4) To comply with all applicable federal and state orders, regulations, laws, legal opinions, and court decisions in the areas of civil rights, equal employment opportunity, and contract compliance made known and available to this College.
- (5) To delineate the lines of authority and fixed responsibilities for development, implementation, and supervision of the College's Affirmative Action Program.
- (6) To conduct a continuing and concerted recruitment program designed to obtain and maintain a faculty and staff of the highest quality who reflect the ethnic and gender balance of the available work force within the College's service area.
- (7) To provide for non-discriminatory practices in all matters pertaining to employee compensation and benefits.

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Affirmative Action Program Objectives (Continued)

- (8) To develop, promulgate, and adhere to a system of procedures for adjudication of any complaints of discrimination by an employee or student that fall within the moral and legal authority of the College to consider.
- (9) To establish and conduct monitoring procedures for ensuring that the selection, promotion, advancement, transfer, training, evaluation, discipline, and termination of employees are in compliance with governmental and institutional regulations and policies pertaining to equal employment opportunity.
- (10) To provide information regarding the College's equal employment programs and practices to all interested and authorized individuals, groups, organizations and agencies.
- (11) To ensure that all publications, advertisements, notices, public information releases, contracts, and service agreements stipulate adherence to equal employment opportunity regulations by the parties concerned.
- (12) To ensure that all institutional facilities, organizations, and activities remain open to utilization and participation by employees and/or students, as appropriate, without regard to race, national origin, color, religion, gender, disability, age, or political affiliation except those facilities reserved for use by a single gender.
- (13) To provide a system for the continuing analysis, assessment, and evaluation of employment data and the status of Affirmative Action Plan accomplishments.
- (14) To conduct an ongoing evaluation and review of policies, and procedures, and to recommend adoption of new measures where appropriate.

VI-3 AFFIRMATIVE ACTION RESPONSIBILITIES AND PROCEDURES

VI-3.1 General Information

The success of this institution's Equal Employment Opportunity endeavors and the success of its Affirmative Action Program are dependent upon the individual and collective efforts of each and every administrator and supervisory employee of Fayetteville Technical Community College. Accordingly, the ultimate responsibility for implementation of policies and procedures outlined in this plan is shared by all members of the faculty and staff. The progression of responsibilities follows the supervisory chain of the College. The responsibilities of those administrators charged with specific duties for effecting program implementation are detailed in the following subsections.

VI-3.1.1 President

The President of Fayetteville Technical Community College is responsible to its Board of Trustees for the overall development and direction of the College's Affirmative Action Program (AAP). The President will ensure that all administrators and supervisory personnel adhere to the policy of Equal Employment Opportunity (EEO) and that such policy is reflected in all institutional publications, advertisements, and pronouncements. The President is the final approval authority for all personnel policies, procedures and actions pertaining to employee recruitment, selection, compensation, advancement, transfer, grievance adjudication, discipline, and termination, as delegated to him by the Board of Trustees. The President will appoint and fix responsibility upon the Vice President for Human Resources/Director of Affirmative Action Programs (DAAP) to develop, coordinate, and recommend EEO and AAP policies, procedures and objectives, and to organize and manage approved measures.

VI-3.1.2 Vice President for Human Resources

The Vice President for Human Resources is responsible for the management of the College's plan of action. The Vice President for Human Resources will function generally as the staff supervisor in all matters pertaining to Equal Employment Opportunity and Affirmative Actions. Specific duties and responsibilities will include the following:

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Affirmative Action Responsibilities and Procedures (Continued)

- (1) The collection and maintenance of community census and work force analysis data.
- (2) The establishment and maintenance of Equal Employment Opportunity and Affirmative Action reference data files.
- (3) The provision of advice and assistance to members of the administration, faculty and staff on matters pertaining to Equal Employment Opportunity and Affirmative Action Plan implementation.
- (4) The development, preparation, and recommendation to the President of those policies and procedures required to comply with applicable laws and guidelines and to meet Affirmative Action Program objectives.
- (5) The review, coordination, and monitorship of administrative and personnel procedures and actions within the institution to ensure compliance with stated EEO policies and AAP objectives.
- (6) The investigation of discrimination complaints and the recommendation of resolution actions to the President.
- (7) The preparation of reports on the status and progress of the College's Affirmative Action Program.
- (8) The annual audit of base data and accomplishments and the preparation and recommendation of any necessary or desirable revisions to the objectives stated therein to the President.
- (9) The assumption of the role as the point of contact and performance liaison for the administration of the College in all matters pertaining to EEO and Affirmative Action.

VI-3.2 Release of Information Policy

It is the policy of Fayetteville Technical Community College to maintain records for applicants, employees, and past employees in order to document employment-related decisions, evaluate and assess policies, and comply with government recordkeeping and reporting requirements. It is also the policy of the College to control the release of data compiled from the files of its applicants, employees, and past employees to prevent the invasion of privacy. The content of these records is restricted to specifically authorized administrators of the College and governmental agencies.

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Affirmative Action Responsibilities and Procedures (Continued)

Each administrator having the responsibility for maintenance of employee records will be held accountable for their control and utilization in compliance with policies and procedures set forth in this plan. Only specifically designated administrators will have access to records. Such access, even then, will be limited to the performance of reviews necessary for required data collection or for the conduct of advancement, promotion, training, termination, or investigative activities. Information obtained from such reviews will be published only with the approval of the President.

VI-3.3 Affirmative Action Procedures

VI-3.3.1 Recruitment, Advertising, and Selection

Fayetteville Technical Community College constantly receives many unsolicited applications and letters of inquiry regarding employment at the College. To fulfill its role as an equal opportunity institution, FTCC takes affirmative action to ensure that qualified members of minority groups and females are afforded opportunities on an equal basis with all other applicants.

The recruitment and advertising effort aimed at locating and soliciting minority and female applicants will include the following:

- (1) Advertising employment opportunities in minority newspapers.
- (2) Sending employment opportunities to colleges and universities with predominately minority and female enrollment, as well as usual recruitment sources.
- (3) Advertising employment opportunities in trade journals, if appropriate for job.
- (4) Notifying the Employment Security Commission of job vacancies.
- (5) Linking employment opportunities to NCCCS employment website.
- (6) Emailing employment opportunities campus wide.
- (7) Posting employment opportunities on the FTCC website and job line.

Fayetteville Technical Community College recruits employees in all areas (administrative, staff, instructional and service) on the basis of qualifications and individual ability without regard to race, national origin, color, religion, gender, disability, age, or political affiliation except where

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Affirmative Action Responsibilities and Procedures (Continued)

gender or age are bona fide occupational qualifications or limitations. Emphasis will be placed on attracting applicants who will contribute to maintaining the standard of excellence to which this College is committed.

Recruiting sources will be analyzed annually by the Vice President for Human Resources to evaluate responses from such sources and the need for expansion. Liaison will be maintained with colleges and agencies having or representing a concentration of minorities and women with a goal of increasing the number of qualified applicants from such sources.

All requests for advertisements of position vacancies will be forwarded to the Vice President for Human Resources for review and action.

The phrase "An Equal Opportunity Employer" will be reflected on all position vacancy announcements. These will include publications, journals, institutions and other agencies having access or appeal to minority and women applicants.

Equal Employment Opportunity policies and the Affirmative Action Plan of this College will receive wide dissemination both within and outside of the College. Internal measures will include: informing new employees of College policy during their orientation and placing the Equal Opportunity Employer phrase on all College mailings. External dissemination will include: providing statements of policy to recruitment sources, prospective employees, contractors, and the news media; providing copies of College plans and programs to appropriate governmental and other agencies having a requirement for knowledge of their content; and equally portraying minority and female employees and students and their accomplishments basis in public information releases, advertisements, catalogs and other appropriate publications to reflect the diversity of the College.

In keeping with the College's philosophy of promoting upward mobility for all its employees, primary consideration is given during the prerecruitment phase to the possibility of advancement of qualified personnel within the work force.

Except in cases of upward mobility within the FTCC workforce, Fayetteville Technical Community College will link all position vacancy announcements to the North Carolina Community College System Office employment website. Vacancies are registered with the State Employment Security Commission and appropriate professional associations and institutions. News media, to include local minority oriented radio, and professional journals are also utilized to advertise position openings.

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Affirmative Action Responsibilities and Procedures (Continued)

Screening action by the Vice President for Human Resources is limited to determining which applicants meet the minimum job qualifications. The administrator concerned retains the authority and responsibility for the in-depth candidate interview and final selection. An applicant interview profile sheet will be provided for general use by interviewers as needed to augment their check list for qualification analysis.

When an employee selection has been made, the selecting authority submits the recommendation for employment through supervisory chair to the Vice President for Human Resources for review. The Vice President for Human Resources will forward the hiring packet to the President for final approval.

VI-3.3.2 Applicant Selective Service Registration Status

Part 19 A, Section 1, Chapter 143 B of the North Carolina General Statutes requires that persons subject to Selective Service Registration must register to be eligible for State or Local employment or receipt of public educational assistance.

VI-3.3.3 Special Recruiting Activities

All professional staff vacancies, except in cases of upward mobility within the FTCC work force, will be submitted to the NCCCS Office. Included in the vacancy announcements will be the position title, job duties, qualification and deadline for receipt of applications.

The Vice President for Human Resources determines that all selection actions are in compliance with established procedures and forwards the results to the President for final approval. Persons to fill non-contract positions may be selected by the appropriate department or office head subject to approval by the President. Those selected for faculty positions will be interviewed by the Vice President for Academic and Student Services or designee. The Vice President for Academic and Student Services will recommend contract provisions to the President for final approval. The President will also be the final approving authority for selection of individuals to fill non-instructional contract positions.

If there are no applicants meeting the desired qualification levels, or if those initially interviewed are deemed not qualified, the Vice President for Human Resources may initiate a request for re-advertisement of the position vacancy and defer the interview selection process. Every effort will be made to afford the opportunity for broadening the base of

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Affirmative Action Responsibilities and Procedures (Continued)

prospective employees consistent with the maintenance of the College's standard of excellence in all areas.

VI-3.3.4 Application Forms

Fayetteville Technical Community College accepts applications for full-time employment only at the time of a vacancy. Applications for employment are maintained in the Human Resources Office for a period of two years. Tests may be given to prospective employees or employees seeking advancement or transfer for the purpose of providing an aptitude or ability indicator to assist in the selection process. Tests results will not be retained for more than one year.

VI-3.3.5 Promotion, Advancement, and Transfer

A primary element of this College's Affirmative Action Program is that of providing the opportunity to qualified employees for promotion, advancement or transfer to more responsible and remunerative positions. Where vacancies occur that afford such opportunities, they will be filled on the basis of merit without regard to race, national origin, color, religion, gender, disability, age or political affiliation.

Except in cases of upward mobility, position openings will continue to be made known on a College-wide basis so that any employee may apply. Those employee applicants who have the requisite experience, training, aptitude, record of performance, developmental potential, and personal qualities will receive priority consideration. There may be a need, however, to broaden the field of applicants, in which case the position will be advertised on the open market with all qualified applicants receiving equal consideration. Candidates will be judged on the basis of individual ability, qualifications, and the needs of the College without regard to any of the factors cited above.

Transfers between departments or activities within the College will be handled in the same manner as promotions and advancements. However, two general exceptions to this exist: (1) A lateral, non-advancement transfer made as a result of changes in position authorizations. This involves a simple individual relocation without reference to recruitment or advertisement action. (2) Transfers of employees to adjust minority or female imbalances in the work force. This latter action is encouraged as a means of internal adjustment. It is a strictly voluntary action on the part of the employee(s) concerned in moving from and to a position for which he or she is fully qualified. Such transfers will not constitute advancement or promotion unless the

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Affirmative Action Responsibilities and Procedures (Continued)

positions to be occupied have been made known on a College-wide basis so as to afford all qualified employees the opportunity to compete for them.

A report of all promotion, advancement and transfer actions will be made as they occur to the Vice President for Human Resources.

VI-3.3.6 Evaluation

All personnel of the College will receive an annual evaluation by the immediate supervisor. The policy, procedures, and format for evaluation are contained in the Performance Evaluation Manual. A copy of each evaluation will be provided to the employee concerned, and a second copy will be placed in his or her personnel file. These evaluations may be used for reference, but not as the sole factor, in considering employees for promotion, advancement, transfer, or termination. They will not be used for any other purpose nor be made available to any party other than the employee, the person making the final selection to fill a position for which that employee has applied, or the person authorized to take final action on transfer or termination of the employee. In no instance will these evaluations be open for public inspection or made a matter of public record.

VI-3.3.7 Discipline and Termination

The maintenance of a standard of excellence by Fayetteville Technical Community College is primarily attributable to the ability, dedication, and productivity of all its employees. Should any employee either fail to measure up to the demands of his or her job, or not perform that job in a satisfactory manner, or violate the policies and regulations of the College, corrective action must be taken to preclude adverse impact on the College's standards and its service obligations. Where such action may be necessary, it will be undertaken without regard to race, national origin, color, religion, gender, disability, age or political affiliation.

Termination or probation of administrative personnel on contract must also have the approval of the President. Approving authorities will ensure that no written admonition, probation, or termination is the result of discriminatory action against the employee because of his or her race, national origin, color, religion, gender, disability, age or political affiliation.

Disciplinary or corrective action may include counseling, verbal or written admonitions, probation or termination of service, dependent upon the nature and seriousness of the employee's actions or inactions. Personal

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and private counseling of an employee on his or her job performance, either as a routine matter or as a corrective measure, is a normal function and responsibility of the employee's immediate supervisor. When an employee's actions warrant, he or she may be admonished, either orally or in writing, by the immediate supervisor. Written admonitions must be approved (initialed) by the appropriate Vice President prior to inclusion in the employee's personnel record. For serious violations of College policy, or for job performance failures, or for other reasons to be defined in personnel policies an employee may be placed on probation or terminated by the Dean, administrator or acting chief having the authority of selection for the position occupied by the employee concerned. In the case of instructional personnel, probation or termination for disciplinary reasons must be recommended by the Vice President for Academic and Student Services and approved by the President. Prior to probation or termination, coordination must be established with the Vice President for Human Resources.

VI-3.3.8 Compensation and Benefits

All employees of Fayetteville Technical Community College receive compensation and benefits in accordance with the positions they occupy, their qualifications, and their term of service without regard to race, national origin, color, religion, gender, disability, age or political affiliation. When supplements are authorized, they will also be provided on the basis of qualifications without regard to the above factors.

VI-4 EMPLOYMENT PROCEDURES

VI-4.1 Introduction

The Employment Procedures Manual is designed to establish a uniform recruiting and selecting procedure throughout the Fayetteville Technical Community College campus. Its design is to ensure that the recruiting and selection process is fair, equitable and in compliance with the Americans with Disabilities Act, the Office of Civil Rights, and Equal Employment Opportunities Commission rules, regulation and statutes. This manual provides the administrative staff with procedures for recruiting and selecting the most qualified employees. Uniform recruitment and selection procedures will help to ensure diversity throughout Fayetteville Technical Community College.

VI-4.2 Veteran's Policy

In recognition of the sacrifices made by veterans and their families on behalf of this nation, this state, and even this College, Fayetteville Technical Community College shall make reasonable efforts to recruit veterans, their spouses, and spouses of active duty service members for employment opportunities at the College. In making hiring decisions, the College shall hire an applicant who is a veteran or the veteran's spouse when the veteran or veteran's spouse is determined, by and through the application, interview, and other hiring processes to be equally or better qualified than all other candidates who applied for the position.

For the purposes of this policy the following definitions apply. The word "veteran" shall be defined as a person who served in the Armed Forces of the United States on active duty, for reasons other than training, and has been discharged under other than dishonorable conditions. The term "veteran's spouse" shall be defined as either (a) the legal spouse of a veteran; or (b) the surviving spouse of a veteran; or (c) the surviving spouse of a service member who died directly or indirectly as the result of active duty military service.

This preference applies to initial employment with Fayetteville Technical Community College and extends to other employment events including subsequent hiring, promotion, reassignment, and lateral transfer.

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Employment Procedures (Continued)

VI-4.3 Employment Application Procedures

- (1) All applications for employment should be submitted to the Office of the Vice President for Human Resources.
- (2) Applications will be processed into the Human Resource Applicant Database and filed for screening.
- (3) Part-time instructor applications received without an existing job vacancy will be added to the Human Resource Applicant Database and forwarded to the appropriate office for distribution and filing. Part-time curriculum applications will be forwarded to the appropriate Dean's Office for distribution to the appropriate chairperson for filing. Part-time Continuing Education applications will be forwarded to the appropriate director for filing.

VI-4.4 Hiring Procedures for Full-Time Employment for Positions Requiring Less Than a Bachelor's Degree

- (1) All position vacancy announcements must be approved by the supervisory chain up to the appropriate Vice President and forwarded to Human Resources. Human Resources will review and forward to the President for approval prior to advertising. Position vacancy forms may be obtained from the Human Resources Office.
- (2) All applications will be screened in the Human Resources Office for minimum qualifications and forwarded to the appropriate Vice President/Associate Vice President.
- (3) During the interview process, an Interview Profile Sheet (Form H) must be completed for each applicant interviewed.
- (4) Three Telephone/Written Reference Check forms (Form G) must be completed for applicants referred for employment. One reference check must be from the current/immediate past employer.
- (5) After conducting interviews and making a selection, a packet should be prepared to include:
 - a. Full-Time Employment Form (Form A)
 - b. Completed Interview Profile Sheets (Form H - one for each applicant interviewed).

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Employment Procedures (Continued)

- c. Educational Degree and Work Experience Evaluation (Form F) (Faculty Only)
 - d. Application and copies of transcripts (if required) for person selected.
 - e. Three Telephone/Written Reference Check Forms (Form G)
 - f. Full-Time Credentials Verification Form (Faculty Only) (Form D)
- (6) The employment packet must be forwarded through the supervisory chairs to the Vice President for Human Resources for review. The Vice President for Human Resources will forward the packet to the President for final approval and signature. Employment referrals not meeting all minimum position requirements at the time of employment must be justified by memorandum from the appropriate Vice President to the President. The memorandum will specify additional requirements and corrective actions to be taken within a specified period as a condition of continued employment. For faculty, in exceptional cases, outstanding professional experience and demonstrated contributions to the teaching discipline may be presented in lieu of formal academic preparation. For Staff, in exceptional cases, outstanding professional experience and demonstrated competence may substitute for academic preparation. The appropriate Vice President must justify this exception to the President on an individual basis. **NO PROMISE OR COMMITMENT WILL BE MADE TO THE APPLICANT UNTIL FINAL APPROVAL BY THE PRESIDENT.**
- (7) **AFTER FINAL APPROVAL FROM THE PRESIDENT,** the Human Resources Office is responsible for notifying all applicants that the position has been filled.
- (8) On the first day of employment the Human Resources Office will conduct in-processing of full-time employees.

VI-4.5 Hiring Procedures for Full-Time Employment for Positions Requiring a Bachelor's Degree or Above

- (1) All position vacancy announcements must be approved by the supervisory chain up to the appropriate Vice President and forwarded to Human Resources. Human Resources will review and forward to the President for approval prior to advertising. Position vacancy forms may be obtained from the Human Resources Office.

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Employment Procedures (Continued)

- (2) All applications will be screened in the Human Resources Office for minimum qualifications and forwarded to the appropriate Vice President/Associate Vice President.
- (3) During the interview process, an Interview Profile Sheet (Form H) must be completed for each applicant interviewed by each member of the interview committee.
- (4) Three Telephone/Written Reference Check forms (Form G) must be completed for applicants referred for employment. One reference check must be from the current/immediate past employer.
- (5) After conducting interviews and making a selection, a packet should be prepared to include:
 - a. Full-Time Employment Form (Form A)
 - b. Completed Interview Profile Sheets (Form H - one for each applicant interviewed).
 - c. Educational Degree and Work Experience Evaluation (Form F) (Faculty Only)
 - d. Application and copies of transcripts for person selected.
 - e. Three Telephone/Written Reference Check Forms (Form G)
 - f. Full-Time Credentials Verification Form (Faculty Only) (Form D)
- (6) The employment packet must be forwarded through supervisory levels to the Vice President for Human Resources for review. The Vice President for Human Resources will forward the packet to the President for final approval and signature. Employment referrals not meeting all minimum position requirements at the time of employment must be justified by memorandum from the appropriate Vice President to the President. The memorandum will specify additional requirements and corrective actions to be taken within a specified period as a condition of continued employment. For faculty, in exceptional cases, outstanding professional experience and demonstrated contributions to the teaching discipline may be presented in lieu of formal academic preparation. For Staff, in exceptional cases, outstanding professional experience and demonstrated competence may substitute for academic preparation. The appropriate Vice President must justify this exception to the President on an individual basis. **NO PROMISE OR COMMITMENT WILL BE MADE TO THE APPLICANT UNTIL FINAL APPROVAL BY THE PRESIDENT.**

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Employment Procedures (Continued)

- (7) AFTER FINAL APPROVAL FROM THE PRESIDENT, the Human Resources Office is responsible for notifying all applicants that the position has been filled.
- (8) On the first day of employment the Human Resources Office will conduct in-processing of full-time employees.

VI-4.6 Hiring Procedures for Positions of Vice President's Level

- (1) The Vice President for Human Resources monitors the selection process by accomplishing the following:
 - a. Updates employment opportunity link or NCCCS employment website.
 - b. Announces advertisement of vacancies within the news media.
 - c. Receives applicant responses, prepares packet for each applicant, to include an application, and transcripts, and with the assistance of at least a three person screening committee, appointed by the President, conducts initial applicant screening.
 - d. Forwards qualified applicants to the President.
- (2) The President
 - a. Receives packet of qualified applicants from the Vice President for Human Resources.
 - b. Conducts interviews and makes selection. Does not make a commitment to job offer until final approval from the Board of Trustees.
 - c. Recommends the best qualified applicant to fill the position vacancy.
 - d. Submits employment packet to the Vice President for Human Resources. Packet to include:
 - 1. Full-Time Employment (Form A)
 - 2. Five Top Candidates (Form B)
 - 3. Interview Evaluation Form (Form C)
 - 4. Validation Committee Action Form (Form E)
 - 5. Three Telephone/Written Reference Check Forms (Form G)
 - 6. Employee Application and copies of transcripts.

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Employment Procedures (Continued)

- (3) The Vice President for Human Resources
 - a. Schedules a Validation Committee meeting to validate the hiring procedures.
 - b. Forwards the employment packet to the Validation Committee.
- (4) The Validation Committee (appointed by the President)
 - a. Verifies that all hiring practices as listed below have been complied with. The considerations relate to:
 1. Job qualifications
 2. References
 3. Affirmative Action Guidelines
 - b. Reviews the entire hiring process to verify that all procedures have been accomplished. Committee members complete check-off list of accomplishments and affix signatures to Validation Form (Form E).
- (5) President/Board of Trustees Human Resources Committee
 - a. The Vice President for Human Resources submits the file of the recommended applicant to the President.
 - b. Upon the President's approval to hire, the President presents the name of the selected applicant to the Human Resources Committee of the Board of Trustees for acceptance.
 - c. After final approval from the Board of Trustees Human Resources Committee, the applicant is notified that he or she has been approved for the position.
 - d. The Human Resources Office sends letters to non-selected applicants stating the position has been filled.

VI-4.7 Hiring Procedures for Part-Time Employment

- (1) All position vacancy announcements must be approved by the appropriate Vice President prior to advertising by the Human Resources Office. Required forms may be obtained from the Human Resources Office.

**FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE
Employment Procedures (Continued)**

- (2) All applications will be forwarded to the appropriate Vice President/Associate Vice President or designee.
- (3) After the screening of referred applications, those applications not selected for interviews should be retained in the appropriate department for two years.
- (4) During the interview process, an Interview Profile Sheet (Form H) must be completed for each applicant interviewed.
- (5) Two Telephone/Written Reference Check Forms (Form G) must be completed for the applicant recommended for employment. One reference check must be from the current/immediate past employer.
- (6) After conducting interviews and making a selection, the person recommending hiring will forward the application packet to the appropriate Associate Vice President/Vice President for approval to hire. **NO PROMISE OR COMMITMENT SHOULD BE MADE TO THE APPLICANT UNTIL FINAL APPROVAL.** After approval, the applicant may be contacted and an employment date established.
- (7) The employment packet will be forwarded to the Vice President for Human Resources. See chart below for packet contents:

Packet Contents	Curriculum (Faculty)	Cont. Ed. (Faculty)	Staff	Staff (Cont. Ed.)
FTCC Application	✓	✓	✓	✓
Telephone/Written Reference Check Form (Form G)	✓	✓	✓	✓
Part-Time/Temporary Employment (Form A-1)	✓	✓	✓	✓
Educational Degree and Work Experience Evaluation Form (Form F)	Monthly Contracts			
Interview Profile Worksheet (Form H)	✓	✓	✓	✓
Part-Time Temporary Employment Agreement (Contract)	✓	✓		
Transcripts (As Required)/Documentation of Training and Experience	✓	✓	✓	✓
Continuing Education Personnel Approval Form (Form I)		✓		✓
Continuing Education Competency Form (Form J)		✓		
Full-Time Faculty Credentials Verification Form (Form D)	✓			

FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE
Employment Procedures (Continued)

Packet Contents	Curriculum (Faculty)	Cont. Ed. (Faculty)	Staff	Staff (Cont. Ed.)
Part-Time Faculty Credentials Verification Form (Form D)	✓			

- (8) The Human Resources Office will send letters to those applicants for advertised positions who were not selected for employment.

VI-4.8 Employment Procedures Forms

The following pages consist of Employment Procedures **Forms A - J**.

- Form A** Full-Time Employment
- Form A-1** Part-Time/Temporary Employment
- Form B** Five Top Candidates for Position (Used for Dean's Level and Above)
- Form C** Interview Evaluation Form (Used for Dean's Level and Above)
- Form D** Curriculum Division Credentials Verification
- Form E** Validation Committee Action Form (Used for Dean's Level and Above)
- Form F** Educational Degree and Work Experience Evaluation Form
- Form G** Telephone/Written Reference Check
- Form H** Interview Profile Sheet
- Form I** Continuing Education Personnel Approval Form
- Form J** Evidence of Competency Form

Fayetteville Technical Community College

FULL-TIME EMPLOYMENT

Type of Contract (Grade 30 and Above Only) ADM I II III

GL Budget Code:

Purpose _____

Unit _____

Memorandum

To: J. Larry Keen, President
 Thru: Audrey T. Berry, Vice President for Human Resources
 Thru: Betty Smith, Vice President for Business and Finance
 Thru:
 From:
 Date:

This is to inform you that through the process of reviewing applicants upward mobility or transfer
 _____ has been selected to fill the present vacancy of

(Name)

in

(Title/Position)

(Department)

supervised by _____ and is a replacement for _____
 (Name of supervisor) (Name of individual to be replaced)

This applicant is currently employed at FTCC as a(n) _____
 (Title of current position at FTCC)

The effective date of this position will be the first day in the month of _____, _____
 (Month) (Year)

Staff Salary Rate determined as follows: Present Grade _____ New Grade _____

TOTAL RECOMMENDED MONTHLY STAFF SALARY \$ _____

TOTAL RECOMMENDED YEARLY STAFF SALARY \$ _____

Faculty Salary Rate determined as follows:

Faculty Salary Scale	Experience in Field Years / Months	Degree & Major	Teaching Discipline
Curriculum - Faculty Base Scale <input type="checkbox"/>			
Curriculum - Faculty MD III Scale <input type="checkbox"/>			
Continuing Ed. - CNA/EMS/EMT Scale <input type="checkbox"/>			
Continuing Ed. - Literacy Scale <input type="checkbox"/>			
Continuing Ed. - Occupational Ext. Scale <input type="checkbox"/>			
Success Center Scale <input type="checkbox"/>			

Curriculum Division Chair - Add \$167/month (If currently a Department Chair/Program Coordinator, add \$83/month) \$ _____

Curriculum Department Chair/Program Coordinator - Add \$83/month \$ _____

TOTAL RECOMMENDED MONTHLY FACULTY SALARY \$ _____

TOTAL RECOMMENDED YEARLY FACULTY SALARY \$ _____

Approved _____
 J. Larry Keen, President

Date _____

**Prepare and forward to the Human Resources Office.
 An Equal Opportunity Employer**

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Fayetteville Technical Community College

PART-TIME/TEMPORARY EMPLOYMENT

GL Budget Code _____

Purpose _____

Unit _____

Memorandum

To: Audrey T. Berry, Vice President for Human Resources

Thru:

From:

Date:

This is to inform you that through the process of reviewing applications upward mobility

_____ has been selected to fill the present vacancy of
(Name)

_____ in _____
(Title) (Department)

(Department)
supervised by _____ effective _____
(Name of Supervisor) (Date)

at a salary rate of \$ _____ is a replacement
(Amount) (Name)

for _____
(Name)

cc: Vice President for Financial Services

An Equal Opportunity Employer

CONDITIONS OF PART-TIME/TEMPORARY EMPLOYMENT

1. **Sick Leave:** Part-time/Temporary employees do not accumulate sick leave.
2. **Annual Leave (Vacation):** Part-time/Temporary employees do not accumulate annual leave.
3. **Longevity Pay:** Part-time/Temporary employees do not earn longevity pay.
4. **State Retirement:** Part-time/Temporary employees do not participate in the state retirement system.
5. **Insurance:** Part-time/Temporary employees are not eligible to participate in any of the insurance plans available to full-time employees.

Note: If you later become a full-time employee at this College, you would not have earned any of these benefits for the given period of time which you worked as a part-time temporary employee.

I have read and understand the above information.

Name

Date

FIVE TOP CANDIDATES FOR

POSITION:

Position
(Used for Dean's Level and Above)

NAME	DEGREES EARNED	MAJOR FIELD OF STUDY	WORK EXP. IN FIELD	INTERVIEW SCORE	SPECIAL QUALIFICATIONS

Additional Comments:

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Fayetteville Technical Community College

INTERVIEW EVALUATION FORM
(Used for Dean's Level and Above)

CANDIDATE'S NAME _____
Last First Middle

Please rate candidate using the following scale:

- 1 Below Average
- 2 Average
- 3 Good
- 4 Excellent

RATING

Academic preparation for position	_____
Knowledge of chosen field	_____
Experience in chosen field	_____
Professional interests and willingness to pursue professional development	_____
Willingness to accept additional responsibility (non-instructional duties)	_____
Evidence of chronological tenure in previous employment	_____
Attitude toward administrative duties	_____
Expression of ideas and language	_____
TOTAL RATING POINTS (32 Possible Points)	_____

Strengths: _____

Weaknesses: _____

Interviewer: _____ Date _____
Signature

Print signature: _____

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**FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE
CURRICULUM DIVISION
CREDENTIALS VERIFICATION**

- Full-time Faculty
 Part-time Faculty

First contract for this part-time faculty member: i.e., Fall 2003)

- I. Name:
- II. Division Code/Title:
- III. Recommended Teaching Discipline(s):
- IV. Education Level Required:
- (Indicate SACS Minimum Level.)*
- V. Education Level Preferred:
- VI. Degree(s) Held:

(Indicate below if official or unofficial transcripts are included for each degree held. If official transcripts are not included, attach documentation showing when they were requested.)

	Official/Unofficial	College/University and Concentration	Date Obtained
Associate Degree:			
Bachelor's:			
Master's (1)-			
Master's (2):			
Doctorate(s):			
Additional Hours:			
Additional Certifications:			

- VII. Reference Checks:
(Attach 3 completed forms and indicate below the persons who were contacted.)
1.
 2.
 3.

- VIII. Interview Profile:
(Attach completed form from each interviewer and indicate below the person(s) who completed the forms.)
1.
 2.
 3.
 4.

By obtaining the above credentials and through the interview hiring process, this individual has successfully demonstrated oral and written communication skills.

Department Chair/Program Coordinator	Date	Associate VP for Curriculum Programs	Date
Division Chairperson	Date	VP for Academic and Student Services	Date
Academic Dean	Date		

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VALIDATION COMMITTEE ACTION FORM

(Used for Dean's Level and Above)

- _____ The position requirements have been reviewed.
- _____ The applicant's qualifications have been examined relative to this position vacancy.
- _____ An adequate reference check has been accomplished.
- _____ Compliance with Affirmative Action Guidelines has been completed.
- _____ The Interview Evaluation documents B and C have been reviewed.

The Validation Committee, having verified the above, concurred that the applicant,
_____, appeared best qualified for the position of

Vice President for Human Resources

Validation Committee Member

Validation Committee Member

Validation Committee Member

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**Fayetteville Technical Community College
Educational Degree & Work Experience Evaluation Form**

Applicant Name: _____

Position Applying For: _____

Replacement For: _____ New Position _____

A. Degree Required _____

B. Major Field of Concentration _____

C. Minimum Credit Hours _____

D. Minimum Years of Experience _____

E. Required degree in Field? Yes No If no, attach documentation for degree completion plan including employee's signature of acknowledgment.

Applicant's Qualifications

Degrees	Concentration
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Special Qualifications _____

For Health Fields/Hepatitis B immunizations completed or begun? Yes No

Non-Temporary Work Experience (directly related)	Total Non-Temporary Years
_____	_____
Temporary Work Experience (directly related)	Total Temporary Years
_____	_____
	Total Years

Salary Scale (Base, MD III, CNA/EMS/EMT, Literacy, Occupational Ext., Success Center) _____

Recommended Monthly Salary \$ _____

Recommended Yearly Salary \$ _____

Recommended Contract (Adm, I, II, or III) _____

Recommended effective date of employment _____

Approval _____ Approval _____
 (Associate VP Signature) (VP for Academic Services Signature)

Employee Signature _____ Date _____

(See reverse worksheet for evaluation of work experience)

**EDUCATIONAL DEGREE & WORK EXPERIENCE
EVALUATION WORKSHEET**

Applicant Name: _____

Position: _____

Non-temporary Work/Teaching Experience

Dates of Employment	Position	Location	Experience Years /Months	
Total				

Temporary Work/Teaching Experience

Dates of Employment	Position	Location	Experience Years/Months	
Total				

Grand Totals

Verified by _____ Date _____
 Reviewed by _____ Date _____
 Human Resources Review _____ Date _____

Fayetteville Technical Community College

TELEPHONE/WRITTEN REFERENCE CHECK

Applicant's name: _____

Reference's name: _____ Title: _____

Organization: _____ Telephone: _____

How long have you known this applicant? _____

In what capacity? _____ (Supervisor, co-worker, friend, etc.)

Applicant was employed at your organization from: _____ to _____

Full-time employment dates from: _____ to _____

Part-time employment dates from: _____ to _____

What were his/her duties? _____

Was he/she a supervisor? Yes No If yes, number of employees supervised _____

Describe his/her attitude toward the organization? _____

What are his/her strong points? (Give examples) _____

Weak points? (Give examples) _____

Would you consider him/her dependable? _____

Why did he/she leave your company? _____

Did he/she give adequate notice? YES NO

Please rate the applicant using the following scale:

0	Unable to evaluate	Technical ability	_____
1	Below Average	Attendance record	_____
2	Average	Ability to get along with others	_____
3	Good	Cooperation with superiors	_____
4	Excellent	Motivation	_____
		Professional appearance	_____
		Ability to take instructions	_____
		Common sense	_____
		Effective use of time	_____
		Communication skills (oral and written)	_____
		Overall quality of work	_____

Would you re-employ? Yes No If no, why not? _____

Would you recommend him/her for a position as _____? Yes No

Comments: _____

Indicate interview method by signing below:

Telephone reference by: _____
Signature Title Date

Print signature: _____

Written reference by: _____
Signature Title Date

Print signature: _____

Reference requested by: _____
Signature Title Date

Print signature: _____

Please return this form to: _____ at
Name (type or print)

Fayetteville Technical Community College
P.O. Box 35236
Fayetteville, NC 28303

Fayetteville Technical Community College

INTERVIEW PROFILE SHEET

Name of applicant: _____

Position: _____

Educational requirements: _____ Requirements met? Yes No

Indicate your evaluation by circling the most appropriate number:

1 **Below Average**

2 **Average**

3 **Good**

4 **Excellent**

EXPERIENCE

RATING

1. How does previous experience relate to current position opening?
Consider communications and other skills such as knowledge,
information and technical competence based on previous training.

Comments: _____ 4 3 2 1

LEADERSHIP SKILLS:

2. Knowledge of problem solving and decision making, planning,
organizing, directing and controlling.

Comments: _____ 4 3 2 1

CAPABILITY:

3. Intelligence, oral and written abilities, judgment, analytical,
logical, decisive, resourceful, imaginative.

Comments: _____ 4 3 2 1

MOTIVATION:

4. Initiative, persistence, self-discipline, ambition.

Comments: _____ 4 3 2 1

PERSONALITY:

5. Professional appearance, poise, manners, tact, adaptability, cooperativeness, assertiveness, enthusiasm, confidence, self-reliance, and maturity.

Comments: _____ 4 3 2 1

CHARACTER:

6. Sincerity, conscientiousness, responsibility, integrity, reputation, persuasiveness.

Comments: _____ 4 3 2 1

TOTAL RATING POINTS (24 Possible Points) _____

Interviewer: _____ Date _____
Signature

Print signature: _____

This section is to be completed by the supervisor making the recommendation.

Recommend for employment? YES NO

Supervisor: _____ Date _____
Signature

Print signature: _____

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**FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE
EVIDENCE OF COMPETENCY FORM ***

Instructor Name _____

Social Security Number _____

Program or area in which the instructor will teach _____

Specific courses instructor will teach _____

Formal credentials normally expected or required of an instructor teaching such
course _____

Description of special competencies of this instructor to teach the course or
courses indicated _____

Person completing competency form _____

Date of Completion _____

* See reverse side for the purpose of this form and directions for its use.

EVIDENCE OF COMPETENCY

The Southern Association of College and Schools permits, in certain situations, a waiver of traditional credential requirements for instructors (see 4.8.2.1 in the accreditation criteria). Fayetteville Technical Community College endorses the principle that some instructors, as a result of non-traditional educational or training experiences or as a result of related work experiences, are fully qualified to teach in many areas. The College acknowledges the need in such circumstances to fully document and maintain a record of those competencies.

This form should be completed for continuing education instructors for whom formal credentials are not normally required by accrediting agencies or by common practice.

This form is provided for supervisors of such instructors to document those competencies. This form should be completed when an instructor is hired, and the form, along with any attachments should become a part of the instructor's personnel file. (Attachments may include certificates that document non-traditional educational experiences, letters of reference that describe special skills and abilities possessed by the individual, etc.)

VI-5 POLITICAL ACTIVITIES OF EMPLOYEES

VI-5.1 Definitions

The following terms have the meanings indicated:

- (1) "Employee" means instructional faculty and administrative faculty and staff, general staff and persons employed by FTCC at the pleasure of the Board or on other short-term contracts, including the President.
- (2) "Board" means the Board of Trustees of Fayetteville Technical Community College.
- (3) "FTCC" means Fayetteville Technical Community College.
- (4) "Public Office" means any national, state or local governmental position of public trust and responsibility, whether elective or appointive, which is created or prescribed or recognized by Constitution, statute or ordinance. Membership in the General Assembly of North Carolina will constitute a full-time public office under this definition.
- (5) Use of the masculine gender in this policy will be construed to include the feminine and neuter genders.

VI-5.2 Policy

It is the policy of the Board of Trustees of FTCC that each employee of FTCC will retain all rights and obligations of citizenship provided in the Constitution and laws of the State of North Carolina and the Constitution and laws of the United States. The Board encourages employees of FTCC to exercise their rights and obligations of citizenship; however, the campaigning for public office, holding part-time or full-time public office, or office in the General Assembly, or soliciting support for political candidates and activities during regular work hours may not only interfere with the responsibilities of employees to FTCC but also derogate from the responsibility to provide the best possible education to its students. It is, therefore, in an attempt to define reasonable constraints for such employees engaging or proposing to engage in such political activities that this policy is formulated.

NOTE: The requirements of this policy will apply prospectively only. No change in the employment status of an employee who was an incumbent in public office on the

FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE
Political Activities of Employees (Continued)

effective date of this policy will be required under this policy for the remainder of his term of office; provided, however, that this policy will not apply to any employee of FTCC who was a full-time public officer on the effective date of this policy.

VI-5.3 Procedures

- (1) Wherever, under this policy, an employee other than the President is required to notify the Board, then such notification will be to the Board through the President of FTCC.
- (2) Any employee who is elected or appointed to a full-time public office or the General Assembly will be required to take a leave of absence without pay upon assuming the office. The length of the leave of absence will be determined by the Board.
- (3) Any employee who becomes a candidate for public office will be prohibited from soliciting support during his regular work hours either on or off the College property unless otherwise authorized by the Board. The Board will grant no general authorizations, but will act on individual requests.
- (4) The Board will notify the State Board of Community Colleges if the President of FTCC should become a candidate for, is elected or appointed to, public office.

VI-6 REDUCTION IN FORCE POLICY

VI-6.1 Intent of the Board of Trustees

It is the intent of the Board of Trustees of Fayetteville Community College to avoid, through prudent budgeting and fiscal constraint, any financial crisis that would require the College to reduce the number of persons employed by the College through implementation of this Reduction in Force Policy. However, the Board of Trustees reserves the right for itself to implement this policy in order to ensure that during a financial crisis, the college fulfills its mission to the fullest extent possible using the financial resources made available to it. Whenever it is necessary to implement this policy, the implementation will be accomplished without regard to race, color, nationality, religion, age, sex, disability, or political affiliation of any employee.

VI-6.2 Declaration of a Financial Crisis

If the President of the College, in consultation with the Vice President for Business and Finance, determines the existence of a financial crisis, the President shall report the nature, the extent, and the cause of the crisis to the Board of Trustees. Said report shall include a certification that, in the President's professional opinion, the college took all reasonable and prudent actions to avert the crisis, and that such actions were insufficient to avert the crisis. Upon its receipt of the President's notice, the Board of Trustees may authorize the implementation of a reduction in force as provided in VI-6.3 below.

The President, in consultation with the Vice President for Business and Finance, may also determine the existence of a limited financial crisis when the college loses a grant or other special appropriation used to fund a specific function(s) of the college. In the event of a limited financial crisis, the Board of Trustees may authorize the implementation of a reduction in force as provided in VI-6.3 below, but under a limited financial crisis, only employees whose positions were funded through the lost revenue stream can be terminated.

VI-6.3 Reduction in Force

Upon the determination of the Board of Trustees that a financial crisis exists, the President shall be authorized to unilaterally alter the terms and/or conditions of the employment of any College employee. If the Employee has an employment contract with the College, the President is authorized to unilaterally amend the contract. The

FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE

Reduction in Force Policy (Continued)

authorization to unilaterally alter the terms and/or conditions of employment and the employment contract, if any, includes, but is not limited to, the authorization to immediately terminate an individual's employment with the College, the authorization to furlough an employee, the authorization to reduce or eliminate any employee benefit, when the benefit is not required by law, and the authorization to otherwise change contract provisions to alleviate the financial crisis.

VI-6.4 Notice of Termination to Individual Employees

The President will give written notice to the employee(s) being terminated due to the implementation of a reduction in force. The notice shall either be hand delivered to the employee(s) or delivered by registered or certified mail, return receipt requested. If hand delivered, the employee shall be given opportunity to remove their personal belongings from their work station at that time. If the notice is delivered by registered or certified mail, the employee(s) shall schedule an appointment with their supervisor to remove their personal belongings from their work station. Decisions to terminate employment pursuant to these provisions will not be the result of discriminatory action against an employee based upon his/her race, national origin, color, religion, gender, disability, age or political affiliation.

VI-6.5 Employee Rights Upon Termination

VI-6.5.1 Severance Pay

Salaried employees terminated pursuant to these provisions shall receive severance pay in an amount equal to one month's salary. Employees paid per hour worked shall receive severance pay equal to their hourly wage multiplied by 173.33 hours. Any terminated employee who has a negative leave balance at the time of termination shall have their severance pay reduced in an amount that fully compensates the College for the negative leave balance.

VI-6.5.2 Payout of Vacation and Bonus Leave

Employees terminated pursuant to these provisions shall receive a lump sum payment of their accumulated vacation leave up to a maximum of 240 hours and any accumulated bonus leave balances as of the date of termination. Any vacation leave in excess of 240 hours accumulated by an employee at the time of termination pursuant to this policy shall be converted to sick leave.

FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE
Reduction in Force Policy (Continued)

VI-6.5.3 Health Care Coverage

To the extent required by law, the College shall continue to make its contribution to the State Health Plan on behalf of the terminated employee.

State law, as of July 1, 2008, required payment of benefits for a period of no more than twelve months, as long as the employee has twelve or more months of service and the employee was covered by the State Health Plan at the time of separation from service with the College.

If permitted by the State Health Plan, Employees terminated pursuant to this policy may continue coverage for their eligible dependents during this 12-month period at their expense. The College will be responsible for collecting and remitting any applicable premiums.

The State Health Plan will allow employees who have been terminated pursuant to these provisions to change their health plan coverage and coverage type as long as the request is made within 30 days from the date of termination.

Employees who elect not to continue coverage under this policy immediately following termination may not obtain coverage through the College at a later date, unless re-employed by the College.

After one year, the terminated employees and their eligible dependents may continue health coverage on a fully contributory basis. Employees who do not have twelve months of consecutive service may continue health care coverage at full cost under COBRA (for themselves and any eligible dependents).

VI-6.5.4 Right of First Refusal

For one year after the effective date of a termination pursuant to these provisions, the President will not fill a position vacated by an employee terminated pursuant to this policy without first offering that position to the terminated employee.

The offer of reemployment will be made by registered or certified mail, return receipt requested, and the employee must accept in writing within fifteen (15) calendar days of the date the offer was mailed by the College. Failure to respond within the provided fifteen (15) calendar days shall be deemed a rejection of the offer of employment and any and all rights to reemployment shall expire.

VI-6.6 College Obligations with Respect to Reemployment or Other Employment

An employee terminated pursuant to this Policy who is vested in the State Retirement System and who is hired/rehired by the College within 5 years of termination shall have all sick leave accumulated at the time of termination restored upon returning to employment with the college. Any employee who is not vested with the State Retirement System who is hired/rehired by the College within 1 year of termination pursuant to this policy shall have all sick leave accumulated at the time of termination restored upon returning to employment with the college.

VI-6.7 Review of Individual Terminations

Employees are not entitled to an administrative review of any termination made pursuant to this Reduction in Force Policy. However, any employee who is terminated pursuant to these provisions may request a review of the action if he/she believes the termination was the result of discriminatory action against the employee based upon his/her race, national origin, color, religion, gender, disability, age or political affiliation. The employee must request the review of the action in writing and addressed to the President. It must specify the grounds on which it is contended that the decision was the result of discriminatory action against the employee based upon his/her race, national origin, color, religion, gender, disability, age or political affiliation. It must include a short, plain statement of facts that the employee believes support the contention. Upon receipt of the request, a thorough review will be conducted by one or more designees of the President. If it is determined that the termination was based on some illegal discrimination, the employee shall be reinstated and compensated for lost wages.

VI-7 EMPLOYEE GRIEVANCES AND APPEALS

VI-7.1 Definition

Grievance: A grievance is any matter of concern or dissatisfaction to an employee, within the control of Fayetteville Technical Community College, but does not include any claim concerning a suspension or termination. Claims concerning a suspension or termination will be considered under provisions of VI-7.4, the Appeal Procedures for Suspension or Termination.

VI-7.2 Policy

Fayetteville Technical Community College ("FTCC") encourages the prompt and fair settlement of grievances. An employee may present a grievance without fear of coercion, restraint, interference, penalty, or reprisal.

VI-7.3 Procedure: This procedure applies to all employees of FTCC.

Step 1: The employee must present the grievance to the immediate supervisor within thirty (30) days of the incident giving rise to the grievance. (An employee alleging sexual harassment by a supervisor must present the grievance directly to the Grievance Officer appointed under FTCC's Sexual Harassment Policy.) The employee may present the grievance orally or in writing. The employee and the supervisor will meet within three (3) working days following the presentation of the grievance to discuss the grievance fully, and to attempt informal resolution. The supervisor will provide a written decision on the grievance not later than ten (10) working days following this meeting.

Step 2: If the employee is not satisfied with the Step 1 decision, the employee may, within five (5) working days, file the grievance in writing with the appropriate Vice President within the table of organization of FTCC. If the Vice President determines that a meeting to discuss the grievance is appropriate, notification of such meeting will be given to the employee and any other appropriate personnel. Such meeting will be held within five (5) working days of receipt of the grievance. Following the meeting, the Vice President will render a written decision within five (5) working days. If no meeting is held, the Vice President will render a written decision within ten (10) working days of receipt of the grievance.

Step 3: If the employee is not satisfied with the Step 2 decision, he may, within ten (10) working days, file the grievance in writing with the President. If the President

FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE
Employee Grievances and Appeals (Continued)

determines that a meeting to discuss the grievance is appropriate, notification of such meeting will be given to the employee and any other appropriate personnel. Such meeting will be held within ten (10) working days of receipt of the grievance. Following the meeting, the President will render a final binding written decision within ten (10) working days. If no meeting is held, the President will render a written decision within twenty (20) working days of receipt of the grievance.

VI-7.4 Appeal Procedures for Suspension or Termination

This procedure applies to any individual employed under the terms of a written contract of employment, signed by a duly authorized representative of FTCC, providing a fixed term of employment. Such individuals are termed "contract" employees. Contract employees may serve in either a full-time or part-time capacity in an academic or administrative position.

This procedure will have no application to temporary employees, whether part-time or full-time, having no written contract of employment.

Fayetteville Technical Community College ("FTCC") provides to contract employees, as defined below, the right to a hearing to review their dismissal. These procedures do not apply to non-reappointment or expiration of the terms of employment, as there is no tenure system at Fayetteville Technical Community College; however, any contract employee who presents a prima facie case that his or her Constitutional rights or academic freedom has been violated in nonreappointment has the right to the appeal procedures as specified.

VI-7.4.1 Grounds for Probation, Suspension, or Termination:

A contract employee may be placed on probation, suspended, or terminated for cause relating to personal conduct or performance of duties. Such causes include, but are not limited to: incompetence, neglect of duty, the commission of an act involving moral turpitude, mental or physical incapacity, and insubordination. A contract employee may be placed on probation with conditions to include, but not limited to: contracts for the semester or term only, disqualification for salary increases or other appropriate conditions.

A contract employee may also be suspended or terminated due to a financial exigency requiring a reduction in staff, a program change, or an elimination or curtailment of a program.

FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE
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A contract employee may be suspended with pay pending an investigation by the President into alleged misconduct or improper performance of duties for up to ninety (90) days. If no action is instituted against the contract employee within the 90-day period, the contract employee will be reinstated and all record of the suspension will be removed from the contract employee's file.

A contract employee may be suspended without pay, if the President determines such action is in the best interest of FTCC, for a period not to exceed five (5) days. If no action is instituted against the contract employee within the 5-day period, the contract employee will be reinstated and paid for the period of suspension.

VI-7.4.1.1 Pretermination/Presuspension Notice

A contract employee will be notified in writing by the President or his designee of any proposal to suspend or terminate. Such notice will clearly state the reason(s) for the proposed suspension or removal, the effective date of the proposed action, the time and place where the contract employee may review any documentary material relied upon in making the proposal, and afford the contract employee a reasonable opportunity to respond orally or in writing to the proposal, before a final decision is made.

VI-7.4.1.2 Notice and Request for Hearing

A contract employee will be given notice of the decision to suspend or terminate him or her as soon as practicable after the decision has been made. The contract employee may request a hearing to review the decision made by the President or his designee. The request should be made to the President within ten (10) working days of receipt of the notice of the decision. The request will specify the grounds upon which the contract employee contends the suspension or termination is improper.

VI-7.4.1.3 Hearing

(1) The Ad Hoc Committee, appointed by the President, will conduct hearings involving suspensions or terminations of faculty members who are contract employees. Other contract employees will be

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accorded hearings by ad hoc committees appointed by the President.

- (2) The hearing will be held within ten (10) days of receipt of the request.
- (3) The hearing will be closed to the public. All parties have the right to counsel, to present witnesses and documents in support of their claims, to cross-examine witnesses and to examine all documents and evidence introduced at the hearing. A written transcript of the hearing will be made, and a copy provided to the employee upon request at FTCC's expense. The conduct of the hearing will be under the control of the Faculty Evaluation Committee Chairman or Ad Hoc Committee.

VI-7.4.1.4 Recommended Decision of the Committee

Within ten (10) days after the hearing, the Committee will make a written recommendation to the President as to the proper disposition of the matter. Such recommendation will include appropriate findings of fact and conclusions of the Committee.

VI-7.4.1.5 Decision of the President

The President will make a decision on the contract employee's appeal within ten (10) days of receipt of the Committee's recommendation. The President may accept, reject, or modify the Committee's recommendation. The President's decision will become the final decision of FTCC unless timely appeal to the Board of Trustees is made by the contract employee.

VI-7.4.1.6 Appeal to the Board of Trustees

A contract employee may file an appeal of the President's decision within ten (10) days of receipt. The Board of Trustees may review the matter in full, or may delegate the duty to review to an ad hoc committee of at least three (3) members. The Board of Trustees will review the evidence adduced at the hearing, the Committee's recommendation, the decision of the President, and any other relevant evidence. The Board of Trustees will render a final decision on the

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matter within forty-five (45) days of receipt of the contract employee's appeal.

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VI-8 SEXUAL HARASSMENT POLICY AND PROCEDURES

VI-8.1 Definition

A request for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature by an employee or student, constitutes sexual harassment when:

- (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decision affecting that individual, or
- (3) submission to or rejection of such conduct by a student is made the basis for decisions concerning a student's grade, academic achievement or progress, or participation in any program, curriculum or activity of the College, or
- (4) such conduct has the purpose or effect of unreasonably interfering with an individual's performance, or creating an intimidating, hostile or offensive environment.
- (5) The EEOC definition of a hostile environment is as follows:

Sexual harassment which creates a hostile or offensive environment for members of one gender is every bit of the arbitrary barrier to sexual equality at the workplace that racial harassment is to racial equality. Surely, a requirement that a man or woman run a gauntlet of sexual abuse in return for the privilege of being allowed to work and make a living can be as demeaning and disconcerting as the harshest of racial epithets.

VI-8.2 Policy

All members of this community are expected and instructed so to conduct themselves as to contribute to an atmosphere free of sexual harassment. Sexual harassment of an employee by another employee or of a student by an employee or a student by a student is a violation of the policy of this College and will not be tolerated. Any employee or student violating this policy will be disciplined in accordance with the procedures outlined below.

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Sexual Harassment Policy and Procedure (Continued)

This policy is adopted to promote an atmosphere in which all members of the Fayetteville Technical Community College community may work and study free of sexual harassment and to provide for the orderly resolution of complaints of sexual harassment.

VI-8.3 Procedures

VI-8.3.1 Appointment of A Grievance Officer

The President will appoint a Grievance Officer, normally the Vice President for Human Resources, whose duty it is to receive complaints of sexual harassment and to attempt to resolve the complaints in an informal manner. The Grievance Officer will:

- (1) inform employees and students of the policy against sexual harassment and of the grievance procedures for resolving complaints;
- (2) receive complaints of sexual harassment from employees and students;
- (3) confer separately with the complaining person and the person against whom the complaint is made to attempt to determine the circumstances leading to the complaint;
- (4) if in his opinion it is desirable and both parties consent, confer jointly and informally with both parties;
- (5) make a determination as to the merits of the complaint, and where appropriate, propose an informal resolution; and
- (6) keep the matter confidential, except to the extent disclosure is required by these procedures.

An informal resolution agreeable to both parties closes the matter. The Vice President for Human Resources will maintain a confidential file as a record of the incident, including the names of parties involved, and its resolution. The complaining party and the person against who the complaint is made, may inspect the record of the incident and submit a statement to the Vice President for Human Resources/DAAP for inclusion in the file.

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Sexual Harassment Policy and Procedure (Continued)

VI-8.3.2 Application of the Grievance Procedures

The complaint of an employee or student who believes that he or she has been subjected to sexual harassment in violation of this policy is a grievance to be resolved through the grievance procedure, except that Steps 1 and 2 of the procedure in the cases of sexual harassment will be as follows:

Step 1: Conference with the Grievance Officer. An employee or student who believes that he or she has been subjected to sexual harassment in violation of this policy must confer with the Grievance Officer and cooperate with his or her efforts to determine the circumstances leading to the complaint, to make a determination as to the merits of the complaint and to reach an informal resolution.

If an informal resolution agreeable to both parties is reached, the matter is closed.

If no resolution can be reached within ten (10) working days, the Grievance Officer will make a determination and present it to the complaining employee or student and the employee against whom the complaint is made. If the Grievance Officer determines that sexual harassment in violation of this policy has occurred, he or she will recommend disciplinary action to the President, the severity of which will depend on the nature of the incident.

Step 2: Appeal to the Dean/Associate Vice President/Vice President. If no informal resolution of the complaint has been reached and either person is dissatisfied with the determination of the Grievance Officer, or if the complaining party has not reached a determination within the period provided in Step 1, he or she may request that the Dean/Associate Vice President/Vice President consider the matter. The request may be presented either in person or in writing but must be presented within five (5) working days after receipt of the Step 1 determination. Depending on the nature of the appeal, the Dean/Associate Vice President/Vice President will determine to what extent facts will be required in writing. The Grievance Officer, the complaining person and the person against whom the complaint is made will provide all pertinent information to the Dean/Associate Vice President/Vice President who will review the facts and hold whatever discussions he or she deems desirable or the employee, student or Grievance Officer may request.

The remainder of the grievance procedure will be the same in matters alleging sexual harassment as in other grievances, except that either person, the one complaining of sexual harassment or the one against whom the complaint is made, may proceed with the appeal (see VI-7.3). The provisions of the

FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE
Sexual Harassment Policy and Procedure (Continued)

Grievance and Appeals Policy of the College are expressly made available, by the adoption of this policy, to any employee or student of the College alleging a violation of this policy, notwithstanding that the Grievance and Appeals Policy by its terms does not apply to such person.

VI-9 STUDENT GRIEVANCE POLICY AND PROCEDURES

Policy

Fayetteville Technical Community College encourages the prompt and fair settlement of grievances. A student may present a grievance without fear of coercion, restraint, interference, penalty, or reprisal.

The purpose of the student grievance policy and procedure is to provide a system to resolve student complaints against faculty, staff, or other students concerning alleged discrimination on the basis of age, gender, race, disability, or other conditions.

VI-9.1 Academic Appeals

Appeals of admissions decisions, individual grades, academic probation and/or suspension, attendance problems, disciplinary sanctions, and dismissal will not be considered under this policy, unless illegal discrimination is alleged. Such appeals will be considered according to the guidelines set forth in III-7, Appeals and Due Process.

VI-9.2 Sexual Harassment Complaints

Sexual harassment complaints will be directed to the Associate Vice President for Student Services, unless the alleged harasser is the Associate Vice President. In that case, the complaint will be directed to the Vice President for Academic and Student Services or to the President. Upon receiving the complaint, the Associate Vice President for Student Services will refer the sexual harassment complaint to the Vice President for Human Resources, who will investigate the complaint following the procedures outlined in the College's Sexual Harassment Policy and Procedures.

If the student is not satisfied with the outcome of the investigation, he or she may, within ten (10) working days, file the grievance in writing with the President. The chain of appeal goes then from the President to the Board of Trustees. Decisions of the Board of Trustees are final.

VI-9.3 Grievance Procedures

This procedure applies to all students of FTCC.

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Student Grievance Policy and Procedures (continued)

Step 1: The student is encouraged to go to the instructor or staff member where the alleged problem originated. An attempt will be made to resolve the matter equitably and informally at this level. The conference must take place within five (5) working days of the incident which generated the complaint.

Step 2: If the grievance is not resolved, the student may file a written grievance. The student must present the written grievance to the appropriate Associate Vice President within thirty (30) days of the incident giving rise to the grievance. The student and the Associate Vice President will meet within three (3) working days following the presentation of the grievance to discuss the grievance fully, and to attempt informal resolution. The Associate Vice President will investigate the grievance and will ask the employee against whom the grievance was filed to respond in writing to the allegation. The Associate Vice President will provide a written decision on the grievance not later than ten (10) working days following this meeting.

Step 3: If the student is not satisfied with the decision, he or she may, within five (5) working days, file the grievance in writing with the Vice President for Academic and Student Services. The Vice President for Academic and Student Services will notify the President. Depending on the nature of the allegation, the Vice President for Human Resources may be asked to investigate. After reviewing the facts of the case the Vice President for Academic and Student Services and/or the Vice President for Human Resources will make a recommendation to the President. The student will receive written notification within ten (10) working days of filing the complaint with the Vice President.

VI-9.4 Further Appeal Procedures

If the student is not satisfied with the decision, he or she may, within ten (10) working days, file the grievance in writing to the President. The chain of appeal goes then from the President to the Board of Trustees. The Board of Trustees must have received any written appeal from the student within ten (10) working days of the receipt of the decision of the President. It will be presumed that said decision was received two (2) days after posting the same in the U.S. Mail.

The Board of Trustees may review in its discretion any and all related matters of record at FTCC, and may, but will not be obligated to, hear testimony of individuals filing the grievance and otherwise involved in the incident and attempted resolution of the same. Decisions of the Board of Trustees are final.

VI-10 FACILITIES AND SERVICES

VI-10.1 Utilization Policy

Fayetteville Technical Community College facilities, organizations and activities will be available for use or participation by employees and/or students, as appropriate, without regard to race, national origin, color, religion, gender, disability, age or political affiliation, except in the instance of male and female for specifically designated locker room or toilet facilities. The authorized visitation to or use of the campus by guests of the College, its employees or students will also not be restricted on the basis of any of the above cited factors. This does not preclude the reservation of the specified office areas, lounges and activity areas for either employees or students as may be appropriate in the conduct of normal school operations.

VI-10.2 Contracts Policy

All contracts entered into, by, for, or with the College will include provisions, developed at the state level, requiring adherence to federal laws and regulations governing the practice of equal employment opportunity by all parties concerned. The Vice President for Administrative Services will monitor all contractual actions on a continuing basis for compliance.

VI-10.3 Organizations and Activities Policies

Membership or participation of employees and/or students in authorized organizations, clubs, recreational activities, social events and special programs of the College will not be restricted on the basis of race, national origin, color, religion, gender, disability, age or political affiliation. This policy will be reflected in the charter or by-laws of all clubs and other groups organized on campus and will be monitored for compliance on a continuing basis by the Vice President for Human Resources/DAAP.

No member of the staff, faculty or student body will be permitted to conduct solicitation or other activities on campus in support of any organization or agency which proposes or practices discrimination on the basis of race, national origin, color, religion, gender, disability, age or political affiliation. Violators of this policy will be referred to the President for appropriate disciplinary action.

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