

Agnes Scott College

Employee Handbook



AGNES
SCOTT
COLLEGE

ABOUT THIS HANDBOOK/DISCLAIMER

How to Use Your handbook?

This handbook is designed to acquaint you with Agnes Scott College and to help you find the answers to many questions that you may have regarding your employment. Please take the necessary time to read, understand and comply with all provisions of the handbook as it describes many of your responsibilities as an employee and outlines the programs developed by Agnes Scott College to benefit employees.

This handbook has been developed for those employees who are not teaching faculty nor are in positions covered by a collective-bargaining unit.

No employee handbook can anticipate every circumstance or question about college policy. As Agnes Scott College continues to grow, the need may arise and Agnes Scott College reserves the right to revise, supplement or rescind any policies or part of the handbook at any time as it deems appropriate in its sole and absolute discretion. These provisions may not be amended or added to without the expressed approval of the President's Cabinet. The only exception to any changes is our employment-at-will policy permitting you or Agnes Scott College to end our relationship for any reason at any time. Employees will, of course, be notified of such changes to the handbook as they occur.

Many matters covered by this handbook, such as benefit plan descriptions, are also described in separate Agnes Scott College documents. These Agnes Scott College documents are always controlling over any statement made in this handbook or by any member of management.

We do not expect this handbook to answer all questions. Supervisors and the Office of People and Culture also serve as a major source of information.

Nature of Employment

Neither this handbook nor any other verbal or written communication by a management representative is, nor should it be considered to be, an agreement, contract of employment, expressed or implied, or a promise of treatment in any particular manner in any given situation, nor does it confer any contractual rights whatsoever. Agnes Scott College adheres to the policy of employment at will, which permits the Agnes Scott College or the employee to end the employment relationship at any time, for any reason, with or without cause or notice, so long as there is no violation of applicable federal or state law.

Generally, all hiring and terminations of Agnes Scott College must have the approval of the president or her designee. Any decisions to terminate the employment relationship on the part of the College are made in conjunction with the President (or her designee) and usually with the advice of legal counsel.

The provisions of the handbook have been developed at the discretion of the administration and, except for its policy of employment at will (*Georgia State Law, O.C.G.A. Section 34-7-1*), may be amended or cancelled at any time, at the sole discretion of Agnes Scott College.

No Agnes Scott College representative other than the President may modify at-will status and/or provide any special arrangement concerning terms or conditions of employment in an individual case or generally and any such modification must be in a signed writing.

This handbook states only general Agnes Scott College guidelines. The Agnes Scott College may, at any time, in its sole discretion, modify or vary from anything stated in this handbook, with or without notice, except for the rights of the parties to end employment at will, *which may only be modified by an express written agreement signed by the employee and the President.*

This handbook supersedes all prior handbooks.

Table of Contents

Section 1 - Governing Principles of Employment	7
1-1. Introduction	7
1-2. Equal Employment Opportunity	7
1-3. Employment Applications	8
1-4. Background Checks	8
1-5. Disability Accommodation	11
1-6. Non-Harassment	12
1-7. Drug-Free and Alcohol-Free Workplace	13
1-8. Employee Relations	16
1-9. Conflict/Problem Resolution	17
1-10. Campus Violence Prevention	17
1-11. Immigration Law Compliance	19
1-12. Pay Transparency Policy Statement	19
1-13. Agnes Scott College Sexual Harassment and Sexual Misconduct Policy with Procedures	19
THIS POLICY WAS ADAPTED FROM AN ATIXA MODEL	66
ATIXA 2020 MODEL SEXUAL HARASSMENT POLICIES AND PROCEDURES	67
USE AND ADAPTATION OF THIS MODEL WITH CITATION TO ATIXA IS PERMITTED	67
THROUGH A LIMITED LICENSE.	67
ALL OTHER RIGHTS RESERVED.	67
©2020. ATIXA	67
1-14. Staff Grievance Procedure	69
Section 2 - Operational Policies	72
2-1. Employee Classifications	72
2-2. Trial Period	72
2-3. Employee Service Credit	72
2-4. Working Hours and Schedule	73
2-5. New Employee Orientation	73
2-6. Access to Your Employment Records	73
2-7. Timekeeping Procedures	74
2-8. Overtime	75
2-9. Safe Harbor Policy for Exempt Employees	76
2-10. Your Paycheck	77

Table of Contents

2-11. Administrative Pay Corrections	77
2-12. Direct Deposit	77
2-13. Salary Advances	78
2-14. Performance Review	78
2-15. Compensation Philosophy	79
2-16. Job Postings	79
2-17. Job Descriptions	80
2-18. Telecommuting	81
2-19. Emergency Closings	81
2-20. Identification Cards	82
2-21. Guidelines for the Agnes Scott Brand	83
2-22. Travel Time for Non-Exempt Employees	83
2-23. Charitable Contributions From College Funds	84
2-24. Student Employment	84
2-25. Convocation Policy	85
2-26. Name Change Policy	86
2-27. Policy on Farewell or Retirement Celebrations	91
2-28. Relocation and Moving Expense Guidelines	91
2-29. Policy for Staff Teaching Courses	92
Section 3 - Benefits	93
3-1. Benefits Overview	93
3-2. Change in Family Status	94
3-3. Paid Holidays	94
3-4. Paid Vacations	95
3-5. Paid Personal Days	98
3-6. Sick Days	98
3-7. Parental Leave	99
3-8. Workers' Compensation	101
3-9. Jury Duty	102
3-10. Voting Leave	102
3-11. Witness Duty	102
3-12. Insurance Programs	103
3-13. Benefits Continuation (COBRA)	105
3-14. Long-Term Disability Benefits	105

Table of Contents

3-15. Flexible Spending Account (FSA)	106
3-16. Employee Assistance Program	106
3-17. Retirement Plan	107
3-18. Community Services	108
3-19. Meal Plan	110
3-20. Tuition Privileges	111
3-21. Lactation Accommodations	113
Section 4 - Leaves of Absence	114
4-1. Unpaid Personal Leave	114
4-2. Military Leave	114
4-3. Family and Medical Leave	115
4-4. Sick Leave Donation	119
4-5. Leave During A Public Health Emergency	120
Section 5 - General Standards of Conduct	122
5-1. Employee Conduct and Community Standards	122
5-2. Punctuality and Attendance	123
5-3. Smoking/Tobacco-Free	123
5-4. Personal Appearance	125
5-5. Solicitation	126
5-6. Confidential Information	126
5-7. Conflict of Interest	127
5-8. Hiring of Relatives	129
5-9. Employment Outside Of Agnes Scott College	130
5-10. Additional Appointments With The College	130
5-11. Progressive Discipline	131
5-12. References	132
5-13. Acceptable Use of Electronic Resources	132
5-14. Passwords	136
5-15. Cell Phone Usage	138
5-16. Use of Social Media	139
5-17. Publicity/Statements to the Media	143
5-18. Use of Facilities, Equipment and Property	143
5-19. Health and Safety	143
5-20. Operation of College Vehicles	144

Table of Contents

5-21. Business Travel Expense Reimbursement	144
5-22. Intellectual Property	145
5-23. Protection of Human Research Subjects	150
5-24. Copyright Policies	150
5-25. Digital Millenium Copyright Act	156
5-26. Whistleblower	157
5-27. Substantive Change	160
5-28. Hazardous Materials In The Workplace	162
5-29. Life-Threatening Illnesses In The Workplace	162
5-30. Evacuation Procedures	163
5-31. Auto Registration	163
5-32. Consensual Sexual Relationships	163
5-33. If You Must Leave Us	171
5-34. A Few Closing Words	172
5-35. Business Ethics and Conduct	172
5-36. Electronic Mail Policy	173
General Handbook Acknowledgment	177

Section 1 - Governing Principles of Employment

1-1. Introduction

NOTE FROM THE PRESIDENT

Welcome to Agnes Scott College! You are now a member of an institution dedicated to academic excellence, one of the finest liberal arts colleges in the country. Agnes Scott is a place where all members of the faculty and staff are dedicated to fostering an environment in which students can realize their true potential. We strive to be a respectful and inclusive community that welcomes everyone.

We are pleased to provide you with this Employee Handbook, which outlines the personnel policies and procedures for the College. It is our intention to assure employees fair and equal treatment. Please feel free to discuss any questions you have regarding this handbook, or any policy, with your supervisor or the office identified in the section.

We hope you will find your employment experience a satisfying one and that you will enjoy being a part of this dynamic college community. We're delighted that you decided to join us.

Sincerely,

Leocadia I. Zak, President

1-2. Equal Employment Opportunity

To provide equal employment and advancement opportunities to all individuals, employment decisions at Agnes Scott College will be based on merit, qualifications, and abilities. ASC does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, sexual orientation, national origin, age, disability, genetic information, gender identity and gender expression or any other characteristic protected by law.

The College will make reasonable accommodations for qualified individuals with known disabilities consistent with the terms of the Americans with Disabilities Act. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination and access to benefits and training.

Position openings are posted on the Agnes Scott College Web site at agnesscott.edu/employment. Current, non-introductory employees can apply for posted positions by completing an Employee Bid Sheet, and should notify their supervisors that they have applied for a posted opening.

Prospective job applicants can apply for posted positions by following the application procedure on the posted position and by submitting required documents to the Office of People and Culture.

Applications and Employee Bid Sheets are available in the Office of People and Culture.

Employees are encouraged to refer qualified applicants, including all minority applicants, to the

Office of People and Culture for all posted positions.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Office of People and Culture. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

1-3. Employment Applications

Agnes Scott College relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, in the termination of employment.

1-4. Background Checks

I. Purpose

Agnes Scott College strives to provide the safest possible environment for students, visitors, faculty and staff. It is essential that the college's academic mission is supported by highly qualified employees who will foster a safe and secure environment on campus.

The purpose of this policy is to describe the terms and conditions under which background checks of applicants for employment with Agnes Scott College or those working with minors or students on campus under agreements with partner organizations are conducted.

II. Type of Background Checks Conducted

A. Standard Pre-Employment Screening

1. Employment Application/Interview

All candidates selected for campus interviews shall complete an employment application that requires an applicant to disclose truthful information about certain criminal convictions and to certify the accuracy of information provided on the application. Falsification of information on an employment application or in the hiring process will normally result in denial or forfeiture of college employment.

The college will inquire during the application process about certain criminal convictions, but not arrests. Hiring supervisors should review the conviction statements on the employment application and may inquire about any reported convictions during the interview; however, candidates may not be asked to reveal information about any convictions that have been expunged or sealed by a court. Any information about reported convictions, as well as any information about falsification of information, should be communicated to the Office of People and Culture for further investigation and appropriate action, in consultation with legal counsel. Convictions disclosed on the application or during the employment process do not automatically disqualify an applicant but will be considered in the selection decision if they are determined to be related to the job.

2. Reference check

The hiring manager or the Office of People and Culture or a designee shall check references and verify the employment history and past performance of a finalist before a final offer of employment is extended.

3. Background check

All applicants are subject to the following pre-employment background checks: County criminal search (all counties within seven (7) years), Nationwide Criminal Database and Sex Offender Search, Residency History and Social Security alert. These searches are conducted by an outside credit reporting agency in accordance with the Fair Credit Reporting Act.

B. Position-Specific Criminal and Credit Background Checks

The following classes of applicants are subject to additional pre-employment Background checks.

Faculty (full-time and part-time) - Standard package along with Nationwide Federal Criminal Search, education (verification of highest degree earned, by submitting to the college an official transcript from the institution from which the degree was obtained). Note: Faculty who are employed by an affiliated organization but are teaching on Agnes Scott College's campus are also subject to this policy. This includes visiting faculty, post-doctoral fellows, graduate student interns, scholars or artists-in-residence who will be on campus for a period of three weeks or more.

Department directors and above - Standard package along with Nationwide Federal Criminal Search (verification of highest degree earned, by submitting to the college an official transcript from the institution from which the degree was obtained).

Athletic coaches (including part-time assistant coaches who travel with a team) -Standard package along with Nationwide Federal Criminal Search, an education check (verification of highest degree earned, by submitting to the college an official transcript from the institution from which the degree was obtained) and a driver record check. Volunteer coaches will be subject to the same background check process as regular coaches.

Employees who reside in or have access to student residential housing - Standard package along with an education check (verification of highest degree earned, by submitting to the college an official transcript from the institution from which the degree was obtained) and a fingerprint criminal background check. Spouses or domestic partners of employees who reside in residence halls will be subject to criminal background checks conducted by Agnes Scott Office of Public Safety, rather than an outside consumer credit agency. These checks may include a fingerprint check and on-line criminal and sexual offender searches.

The college president, all vice presidents and employees who have access to sensitive financial or technical information (including accounting office staff, payroll and people and culture staff, administrative computing staff) - Standard package along with Nationwide Federal Criminal Search, credit history and education (verification of highest degree earned).

Union and security employees who have access to residence halls - Standard package along with Nationwide Federal Criminal Search. In addition, employees whose job descriptions require them to have a valid driver's license will also be subject to a driver record check.

Employees that require state licensure to perform their job duties (including health center personnel, legal counsel) - Professional license check

Employees whose job descriptions require a valid driver's license (including admissions counselors/representatives) -Driver record check.

C. Additional Background Checks

The college reserves the right to conduct investigations when an employee is charged with or convicted of any crime that reflects on his/her suitability for continued employment, during the course of an administrative investigation, or when the employee is transferred or hired into a new position that requires a criminal background check. The college also reserves the right to require background checks of additional categories of applicants, at its discretion. The college will generally not conduct background checks on student employees unless that individual's primary purpose at Agnes Scott is to work as a regular employee.

III. Procedure

All offers of employment will be contingent on satisfactory results of the background search. The college will ensure that all background checks are conducted in compliance with applicable federal and state statutes, including the Fair Credit Reporting Act.

A. Information Collection

A signed authorization from the finalist and an Application for Employment is required before criminal record information or background information may be requested from the outside credit reporting agency.

B. Results of Background Checks

1. Results of background checks are sent directly to the Office of People and Culture.
2. Information showing a criminal conviction does not automatically exclude an applicant or employee from working at the college. Criminal conduct will disqualify an applicant when job related and consistent with business necessity.
3. If the background check is favorable, people and culture will notify the hiring supervisor that the candidate is approved to begin employment.
4. If the background check is unfavorable, people and culture will review the information in consultation with legal counsel. Other individuals that may be consulted, at the discretion of people and culture, include the hiring supervisor, the appropriate vice president, the Office of Academic Affairs (for faculty hires), the Department of Public Safety and the Office of the President. A decision to hire an applicant with a job-related conviction requires the approval of the appropriate vice president or president. In the event of an unfavorable background check, the potential employee will be notified of the unfavorable result and given an opportunity to explain.
5. When a background check reveals that an applicant has a criminal conviction, the following procedure will be followed. First, notice of the information will be provided to the applicant by the Office of People and Culture. Second, the applicant will be given an opportunity to provide a written response and explanation. Third, the Office of People and Culture will consider the applicant's response and, as appropriate, discuss it with the Department of Public Safety and/or persons in what would be the applicant's supervisory chain of command. Fourth, the Office of People and Culture will document how information regarding a criminal conviction impacted the hiring decision.
6. If the unfavorable information is included in the report provided by the credit reporting agency,

people and culture must send the applicant a Pre-Adverse action letter. If the decision is made not to hire the applicant because of information included in a report, a Final Adverse Action letter shall be sent to the applicant informing the applicant of his/her rights under the Fair Credit Reporting Act. If unfavorable information is uncovered about the spouses or domestic partners of employees subject to background checks under this policy, the results of such search will be provided to the applicant and the spouse/partner, as long as the applicant has given written permission to do so.

7. In making the determination of job-relatedness, the Office of People and Culture will consider (a) the nature and job duties of the position sought; (b) how recently the unfavorable incident occurred; (c) the nature and gravity of the criminal conduct involved; (d) the frequency of the conduct or the number of offenses; (e) the age of the individual at the time of the incident; (f) the accuracy of information provided on the application and during the interview process; (g) evidence of rehabilitation; and (h) the safety and security of the campus, college assets and the members of the campus community. These factors will also be considered when determining whether a spouse/partner will be permitted to reside in a student residential housing.

8. For all management level positions, an appointment announcement will not be made until the background check is complete.

IV. Duty to Report Convictions

Every employee must inform his/her supervisor within five business days if he/she is convicted of a crime (not including minor traffic infractions). Reporting of convictions is applicable to all employees, whether or not their positions are subject to an original background check. The college may conduct a background check of an existing employee who reports a conviction pursuant to the procedures above.

V. Confidentiality

Only the Office of People and Culture may initiate a background check and receive results. Results of all background checks will be kept confidential and will not be disclosed to any person except to the extent necessary to administer and enforce this policy, or as required by law or appropriate legal process. Criminal background investigation records will be destroyed in accordance with the GCIC secure record destruction guidelines. Violation of the confidentiality requirement is grounds for discipline, up to and including termination of employment.

1-5. Disability Accommodation

Agnes Scott College recognizes and supports the standard set forth in Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA), and similar state laws, which are designed to eliminate discrimination against qualified individuals with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Hiring procedures provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Reasonable accommodation is available to all disabled employees whose disability affects the performance of essential job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, such as the job description, not the disability of the

individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis.

ASC will not discriminate against any qualified employees or applicants because they are related to or associated with a person with a disability. ASC will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

This policy is neither exhaustive nor exclusive. ASC is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state and local laws.

1-6. Non-Harassment

Agnes Scott College is committed to providing a healthy learning and work environment that is safe and characterized by mutual trust and respect for all members of our community. This commitment, as well as the College's obligations under federal law, means that the College will not tolerate discrimination against or harassment of any individual or group based upon race, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disability or veteran status or any other prohibited factor under law.

Statement adopted by Board of Trustees on October 30, 2015:

"Agnes Scott College values diversity and seeks to foster an environment that welcomes and supports contributions from all members of the Agnes Scott College community. Discrimination or harassment is unacceptable on this campus. Such behavior is contrary to our intellectual environment and the spirit of fellowship fundamental to our community. Discrimination or harassment may take many forms, including but not limited to verbal insults, inappropriate humor, defacement or destruction of property and physical intimidation. It may be directed at any one of our distinctive human differences, all members of our community are diminished by these acts. Harassment or discrimination of any person or group of persons on the basis of race, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disability or veteran status is a violation of Agnes Scott College policy. Persons determined to have engaged in unacceptable behavior, such as activity which substantially threatens or interferes with another person's academic efforts, property, employment or participation in the life of the College or creates a hostile or demeaning atmosphere, will be subject to prompt disciplinary action."

If an employee feels that he or she has been subjected to conduct which violates these standards, he or she should immediately report the matter to the People and Culture. All complaints of harassment will be investigated and adjudicated per the College's Gender Based Discrimination, Harassment and Sexual Misconduct Policy.

1-7. Drug-Free and Alcohol-Free Workplace

Statement of Purpose

The abuse of alcohol and the use of illegal drugs by members of the Agnes Scott College (ASC) Community (faculty, staff and students) are incompatible with the goals of the college. In order to further the College's commitment to providing a healthy and productive educational environment, and in compliance with the Drug-Free Schools and Communities Act Amendments of 1989, and the Drug Free Workplace Act of 1988, the college has established the following policy on alcohol and other drugs.

Health Risks

The scope and impact of health risks from alcohol and drug abuse are both alarming and well documented ranging from mood altering to life threatening. Abuse of alcohol and drugs alters behavior, distorts perception, impairs thinking, impedes judgment and sabotages opportunity. Substance abuse may result in deterioration of physical health by causing or contributing to various diseases, illnesses or birth defects which may result in permanent impairment or death.

Definitions Relating to Alcohol and Other Drug Violations

Possession of alcohol or drugs refers, but is not limited, to holding, no matter the duration, alcohol or illegal drugs/controlled substances in hand or, having them in one's clothing, purse/book bag (or similar case), automobile, or residence.

Consumption of alcohol refers to the act of drinking or ingesting any amount of an alcoholic beverage.

Use of drugs refers to the act of ingesting, inhaling, drinking, eating, and/or any other method of introducing an illegal drug or controlled substance into one's body.

Distribution of drugs refers to the sharing of illegal drugs/controlled substances with or giving them to others

Sale of drugs refers to the exchange of illegal drugs/controlled substances for money or other forms of compensation (sale).

Facilitating the possession/use of alcohol or drugs refers to the act of allowing others to possess, consume, or use alcohol or illegal drugs/controlled substances in one's residence or automobile.

Student Conduct

Agnes Scott College student conduct regulations prohibit the unlawful possession, use, or distribution of alcohol and other drugs by students and student organizations. The regulations also prohibit other alcohol-related misconduct. All students under the age of 21 are prohibited from possession and consumption of alcohol. All students are prohibited from the use and possession of illegal drugs. In addition, student organizations sponsoring events where alcohol is present are subject to the requirements and guidelines of the College's Social Events policy and registration form. Sanctions for violations of these student conduct regulations may include alcohol and/or other drug education, mandated evaluation and treatment, community service, suspension, and/or expulsion. Student organizations which knowingly permit illegal drug activity will be excluded from

campus for a minimum of one year, and leases or agreements for use of College property will automatically terminate pursuant to Agnes Scott Alcohol and Drug Policy and Georgia law.

Student Penalties for Violation of the Alcohol Policy

Please view the student handbook click here: agnesscott.edu/dos/student-handbook

Employee Conduct

It is the college's desire to provide a drug-free, healthful and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on ASC premises and while conducting business-related activities off ASC premises, no employee may use, possess an open container, distribute, sell or be under the influence of alcohol or illegal drugs. Exceptions to the prohibition of use, possession or distribution of alcohol will be made for college-sponsored social events or other college-affiliated activities on or off campus (e.g. fundraising, faculty recruitment, alumnae engagement, partnership cultivation). When possible, college events will include a professional server, and the event organizer should be prepared to provide taxi service to an employee who appears to be intoxicated. Professional behavior is expected at all times and alcohol-related misconduct will not be tolerated. Any employee who is intoxicated or otherwise impaired will be subject to disciplinary action.

The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

To inform employees about important provisions of this policy, ASC has established a drug-free awareness program. The program provides information on the dangers and effects of substance abuse in the workplace, resources available to employees, and consequences for violations of this policy.

Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the Employee Assistance Program. They may also wish to discuss these matters with their supervisor or the Office of People and Culture to receive assistance or referrals to appropriate resources in the community.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all ASC policies, rules, and prohibitions relating to conduct in the workplace; and if granting the leave will not cause ASC any undue hardship.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify ASC of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the associate vice president for people and

culture without fear of reprisal. Any employee who serves or provides alcoholic beverages in his or her official capacity is subject to the Office of Special Events Alcohol Use Guidelines, which include prohibiting the furnishing of alcohol to persons under age. These guidelines should be reviewed by all employees hosting and/or working at any event where alcohol will be served.

Criminal Sanctions

Under Georgia and federal law, it is a crime to possess, manufacture, sell or distribute illegal drugs. As required by federal regulations, you may view information detailing federal penalties for drug trafficking and the Georgia state law regards the sale, distribution, and possession of dangerous drugs.

Federal sanctions for the illegal possession of drugs include imprisonment up to 1 year and/or a minimum fine of \$1,000 for a first conviction; imprisonment for 15 days-2 years and a minimum fine of \$2,500 for a second drug conviction; and imprisonment for 90 days-3 years and a minimum fine of \$5,000 for a third or subsequent drug conviction. For possession of a mixture or substance which contains a cocaine base, federal sanctions include 5-20 years in prison and a minimum fine of \$1,000, for a first conviction if the mixture or substance exceeds 5 grams, for a second conviction if the mixture or substance exceeds 3 grams, and for a third or subsequent conviction if the mixture or substance exceeds 1 gram. Additional possible penalties for the illegal possession of drugs are forfeiture of real or personal property used to possess or to facilitate possession of a controlled substance if the offense is punishable by more than 1 year imprisonment; forfeiture of vehicles, boats, aircraft, or any other conveyance used, or intended for use, to transport or conceal drugs; civil fine up to \$10,000 per violation; denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses for up to 1 year for a first and up to 5 years for a second or subsequent offense; successful completion of a drug treatment program; community service; and ineligibility to receive or purchase a firearm.

Georgia law prohibits the purchase or possession of alcohol by a person under the age of 21, or the furnishing of alcohol to such a person. Driving under the influence of alcohol or other drugs also is illegal. It is against Georgia law, under certain circumstances, to walk or be upon a roadway while under the influence of alcohol or other drugs. The punishment for these offenses may include imprisonment, payment of a fine, mandatory treatment and education programs, community service, and mandatory loss of one's driver's license.

City of Decatur- It is unlawful to drink alcohol in a vehicle parked or moving on the streets, highways, or alleys in the city. It is unlawful to carry any type of open liquor container in public.

The Office of People and Culture will notify the U.S. Department of Education, as required, if it learns of an employee's conviction under any criminal drug statute.

Education and Counseling

In order to promote an environment free of substance abuse, the college supports an active program of community awareness and education. This program extends to the misuse or abuse of controlled substances including prescription drugs, alcohol and other harmful substances. The college also offers assistance with confidential counseling. Students, faculty and staff are encouraged to refer individuals who appear to be troubled by drug or alcohol use to one of these resources. For students, such counseling is available through Counseling and Psychological Services (ext. 6346). Students who are concerned about their own or others' use of such substances may seek advice and counsel from appropriate college resources without fear of breach of normal rules of confidentiality or fear of

punishment. The Employee Assistance Program (EAP) offers confidential counseling for employees confronting substance abuse. Employees or supervisors can contact the EAP at 800-828-6025. The Office of People and Culture (ext. 6029) may be contacted for information on the EAP program.

Student Health 404-471-6346

Counseling and Psychological Services (CAPS) 404-471-6346

Public Safety 404-471-6355

Faculty and staff may obtain a list of available alcohol and other drug counseling services and treatment centers from the People and Culture.

EAP 800-828-6025 or www.HelloE4.com

Educational Resources drugabuse.gov (National Institute of Health: contains descriptions and health risks of both illegal drugs and prescription drugs)

Cocaine Anonymous: <https://ca.org>

Drug Help: <https://www.phoenixhouse.org/>

Marijuana Anonymous: www.marijuana-anonymous.org

Narcotics Anonymous: www.na.org

Nar-Anon: www.nar-anon.org (for family and friends of substance users)

Smart Recovery: www.smartrecovery.org (self management and recovery training)

In addition, there are many off-campus resources available to students and faculty/staff including Al-Anon/Alateen and Alcoholics Anonymous.

Responsibilities

Agnes Scott College Offices responsible for ensuring that this policy is distributed annually to each student and employee are: Office of People and Culture for employees and Office of the Dean of Students for students. In addition, the policy will be provided to all new students and new employees at the time they become members of the Agnes Scott College community.

Biennial Review

This policy will be reviewed at least biennially to assess its effectiveness, to implement appropriate changes and to ensure that disciplinary sanctions are consistently enforced. The vice president for student life and director of people and culture are jointly responsible for ensuring this review is conducted.

1-8. Employee Relations

Agnes Scott College believes work conditions, wages and benefits it offers to its employees are competitive with those offered by other employers in this area and in higher education. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors. If the employee is uncomfortable speaking with

her/his supervisor, s/he should contact the associate vice president for people and culture. Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe the College amply demonstrates its commitment to employees by responding effectively to employee concerns.

As some employees at ASC have chosen third-party representation, we affirm our commitment to retaining positive relationships with all existing bargaining units.

1-9. Conflict/Problem Resolution

Agnes Scott College is committed to providing healthy and supportive working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which problems, complaints, suggestions or questions receives a timely response from colleagues as well as college supervisors and management. ASC strives to ensure fair and honest treatment of all employees. Supervisors, managers and employees are expected to treat one another with mutual respect. Employees are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies or practices, they are free to express their concern to their supervisor. No employee will be penalized, formally or informally, for voicing a complaint with the college in a reasonable, business-like manner. The college prohibits retaliation in any form whatsoever.

As an organization that prides itself on promoting a sense of community, the college encourages employees who may experience concerns with one another to discuss the issue and resolve it together. If employees are unable to reach a resolution, they are encouraged to take their concern to their supervisor. If the supervisor is unable to resolve the concern, either the employees involved or the supervisor should contact the Office of People and Culture for resolution assistance. They may contact the associate vice president for people and culture and/or send correspondence to HRConcern@agnesscott.edu. If a situation occurs when employees believe a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to contact the Office of People and Culture for resolution assistance. The employee may discontinue the process at any step.

When the concern cannot be resolved on an informal basis, employees are encouraged to follow the protocol outlined in the college's policy on Harassment, Gender-Based Discrimination and Sexual Misconduct.

Note: Termination of employment is final and is not considered a grievable event.

1-10. Campus Violence Prevention

Introduction

In recent years, the subject of violence on college and university campuses and in the workplace has received increasing attention as violent events have been widely reported in the news media. This policy is intended to guide members of the Agnes Scott College community both in preventing acts of

violence and in responding to them when they occur on or in relation to the college campus.

Policy

Agnes Scott College is committed to providing a learning and working environment that is safe for all members of the college community. The college expects all members of the campus community to treat one another with courtesy and respect. The college will not tolerate violent acts on its campuses or at off-campus locations administered by the college. This policy extends not only to actual violent conduct but also to verbal and written threats and intimidation, whether by students, faculty, staff, or visitors to the college.

Firearms, ammunition, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of ASC unless authorized for law enforcement personnel.

The college urges individuals who have experienced or witnessed incidents of violence to report them to the Department of Public Safety immediately by dialing 6400. If the threat is not immediate, an alternative method of reporting for students is to report concerns about violence to the Office of the Dean of Students, faculty to the Office of the Dean of the College, and staff to the Office of People and Culture. All employees who have knowledge of any violent crime committed on campus are required to report it to the Department of Public Safety. When reporting a threat of violence, employees should be as specific and detailed as possible.

The college prohibits retaliation against anyone who, in good faith, brings a complaint of campus violence or serves as a witness in the investigation of a complaint of campus violence.

Enforcement

Information regarding incidents of violent conduct and threats of violence will be promptly investigated, and, if warranted, disciplinary action will be taken in accordance with applicable procedures. Agnes Scott College Department of Public Safety or local law enforcement will be notified of criminal conduct. In addition, the college may refer individuals accused of violations of this policy for an assessment of the likelihood that they will carry out violent acts. If the continued presence of an individual on campus threatens or disrupts the conduct of college business, the individual may be suspended from participation in college programs or activities pending the outcome of the assessment.

When advised of circumstances warranting intervention, the college will render assistance through the Agnes Scott College Department of Public Safety or local or federal law enforcement agencies as appropriate. Individual members of the college community who receive threats of bodily harm or who are the targets of harassing or stalking behaviors are urged to contact public safety and to avail themselves of the services offered by the student personal counseling office or through the Employee Assistance Program.

Every effort will be made to respect the privacy of all individuals involved in the matter. However, the necessity to investigate the matter and to cooperate with law enforcement authorities may require the disclosure of otherwise confidential information.

Individuals accused of engaging in incidents of campus violence may seek legal counsel at their own expense. Individuals and their attorneys are reminded that attorneys do not participate in any internal college hearing. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment or expulsion, through the appropriate campus organization. This

does not exclude the possibility of arrest and prosecution, as appropriate, within the legal system.

Campus vendors and contractors are reminded that their employees who conduct business on college premises must conform their conduct to the requirements of this policy. The college reserves the right to remove from campus vendor or contractor employees who engage in acts prohibited by this policy.

1-11. Immigration Law Compliance

Agnes Scott College is committed to employing individuals who are legally authorized to work in the United States. We also do not discriminate on the basis of citizenship or national origin.

In order for us to comply with the Immigration Reform and Control Act of 1986, as well as the Georgia Illegal Immigration Reform and Enforcement Act of 2011 (IIREA), within three days of hire, all new employees, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and provide documentation, including photo ID, that establishes their identity and eligibility for employment in the United States.

Former employees who are subsequently rehired must also complete an I-9 and provide appropriate documentation if: 1) they have not completed an I-9 with ASC within the past three years, or 2) their previous I-9 is no longer valid or was not retained.

If you have questions or want more information on immigration law issues, you are encouraged to contact the associate vice president for people and culture. At Agnes Scott, you can raise questions or complaints about immigration law compliance without fear of reprisal.

1-12. Pay Transparency Policy Statement

Agnes Scott College will not discharge or in any other manner discriminate against employees or applicants because they have inquired about, discussed or disclosed their own pay or the pay of another employee or applicant. However, employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, unless the disclosure is: 1) in response to a formal complaint or charge; 2) in furtherance of an investigation, proceeding, hearing or action, including an investigation conducted by the employer; or 3) consistent with the contractor's legal duty to furnish information.

1-13. Agnes Scott College Sexual Harassment and Sexual Misconduct Policy with Procedures

This policy is intended to address all forms of sex and gender-based discrimination and harassment, including sexual violence, that impacts any member of the Agnes Scott community. The college will refer to this policy in shorthand as the "Title IX Policy."

Sexual Harassment, as defined and prohibited by the Title IX Regulations (34 CFR Part 106), additionally includes Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Retaliation. The Agnes Scott College Title IX Regulation Process, contained in this Policy, will address Title IX-governed Sexual Harassment.

Sexual Misconduct, as defined and prohibited by Agnes Scott College by policy, includes forms of sex and gender-based discrimination, harassment and violence not covered by the Title IX Regulations. The Agnes Scott College Policy Process addresses *Sexual Misconduct* and will be managed in concert with corresponding *Sexual Misconduct and Other Discrimination, Harassment Policy*.^[1]

Introduction

Agnes Scott College ("Agnes Scott" or "College") is committed to providing a healthy learning and work environment that is safe and characterized by mutual trust and respect for all members of our community. This commitment, as well as the College's obligations under federal law, means that the College will not tolerate discrimination against or harassment of any individual or group based upon race, color, national origin, religion, sex, sexual orientation, gender identity, gender expression, age, disability or veteran status or any other prohibited factor under law.

Agnes Scott prohibits and will act to prevent, address, and eliminate all forms of gender-based and sexual discrimination, harassment, violence and retaliation. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The College will provide resources to promote awareness, literacy and prevention of sexual violence and harassment; as well as support to members of our community who experience, encounter, and/or witness behavior that violates this policy and the ethics of our institution.

Title IX of the Education Amendments of 1972 protects individuals from discrimination based on sex, including sexual harassment and sexual violence, in education programs or activities which receive Federal financial assistance. Agnes Scott College has jurisdiction over complaints pursuant to Title IX or this policy.

1. Definitions

Applicable to the Title IX Regulation Process *and* the Non-Title IX College Policy Process

- *Advisor* means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the Title IX Regulation Process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- *Complainant* means an individual who is alleged to be the victim of conduct that could sexual harassment based on a protected class; or retaliation for engaging in a protected activity.
- *Complaint (or formal Complaint)* means a document submitted or signed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment or retaliation for engaging in a protected activity against a Respondent and requesting that Agnes Scott investigate the allegation.
- *Confidential Resource* means an employee who is not a Required Reporter of sexual harassment, sexual misconduct and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- *Day* means a business day when Agnes Scott is in normal operation.
- *Education program or activity* means locations, events, or circumstances where Agnes Scott exercises substantial control over both the Respondent and the context in which the sexual harassment occurs and also includes any building owned or controlled by a student organization that is officially recognized by Agnes Scott.
- *Final Determination*: A conclusion by the standard of proof that the alleged conduct did or did not violate policy.
- *Finding*: A conclusion by the standard of proof that the conduct did or did not occur as alleged (as in a "finding of fact").

- *Grievance Process Pool* (also *Adjudication Pool*) includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- *Hearing **Decision-Maker*** or Panel refers to those who have decision-making and sanctioning authority within Agnes Scott's Formal Grievance or Adjudication Process.
- *Investigator* means the person(s) charged (internal or external to the college) by Agnes Scott with gathering facts about an alleged violation of this Policy, assessing relevance and facts that may relate to credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- *Notice* means that an employee, student, or third-party informs the Title IX Coordinator, Official with Authority or Required Reporter (for the *Policy Process*) of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- *Parties* include the Complainant(s) and Respondent(s), collectively.
- *Policy* means this policy which implements the Title IX Sexual Harassment regulations and the Agnes Scott non-Title IX Sexual Misconduct related policies.
- *Pool Member* can mean an investigator, panel member, Decision-maker, Advisor or Appeal Officer - internal or external to the college - all of whom will be trained per federal requirements in each role.
- *Recipient* means a postsecondary education program that is a recipient of federal funding.
- *Remedies* are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to Agnes Scott's educational program.
- *Report* means notice or communication to the College of potential sexual harassment, sexual misconduct and/or retaliation that seeks information and/or support and will not be considered a *Complaint (formal)* or request for a *Formal Grievance Process*.
- *Reporter* is an individual who is not a Complainant, and who voluntarily reports incidents of sexual harassment, sexual misconduct and/or retaliation experienced by another person.
- *Required Reporters* are Agnes Scott employees (excluding Union employees). Required Reporters are obligated by policy to share knowledge, notice, and/or reports of sexual harassment, sexual misconduct and/or retaliation with a Title IX Coordinator, Deputy Title IX Coordinator, and/or their supervisor.
- *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment or retaliation for engaging in a protected activity.
- *Resolution* means the result of an informal process, *Adjudication Process* or Formal Grievance Process.
- *Sanction* means a consequence imposed by Agnes Scott on a Respondent who is found to have violated this policy.
- *Title IX Coordinator* is at least one official designated by Agnes Scott to ensure compliance with Title IX and Agnes Scott's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- *Title IX Team* refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance or Adjudication Process Pool.

Definitions Applicable to the Title IX Regulation Process

- *Formal Grievance Process* [or *Regulatory Formal Grievance Process*] means the "Regulation Process," a method of formal resolution designated by Agnes Scott to address conduct that falls within the policies included below, and which complies with the requirements of the Title IX regulations (34 CFR §106.45).
- *Official with Authority* (OWA) means an employee of Agnes Scott explicitly vested with the responsibility to implement corrective measures for Sexual Harassment (inclusively as defined by the Title IX Regulations) and/or retaliation on behalf of Agnes Scott.
- *Regulation Process* means the Title IX Regulatory Formal Grievance Process detailed below and defined above.
- *Sexual Harassment* is the umbrella category - mandated by Title IX regulations - including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. [See Section 16](#) for greater detail.

Definitions Applicable to the Non-Title IX College Nondiscrimination Policy Process

- *Adjudication* means the "**Policy Process**," a method of formal resolution designated by Agnes Scott to address conduct that does not fall within the Title IX regulations (34 CFR §106.45) but which is prohibited by Agnes Scott policies.
- *Harassment based on sex or of a sexual nature ("Harassment")* means unwelcome sexual advances, requests for sexual favors, other verbal or physical harassment of a sexual nature, or offensive remarks about a person's sex. Sexual harassment may occur in a single egregious instance or may be the cumulative result of a series of incidents and may include, but is not limited to, acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, sexual orientation, or gender presentation, even if those acts do not involve conduct of a sexual nature.
- *Hostile Environment* means an environment that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities. This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive and objectively offensive based upon sex, race, color, religion or creed, national origin or ancestry, age, physical or mental disability, veteran status, genetic information or citizenship.
- *Intimate Partner Violence (IPV)* means physical, sexual, or psychological harm by a current or former partner (or spouse). This type of violence can occur between heterosexual or same-sex couples whether cohabitating or not, and does not require sexual intimacy. IPV can vary in frequency and severity and can include acts of physical violence, sexual violence, threats of violence, or psychological or emotional violence. Psychological or emotional violence is a broad term that results in trauma to a victim caused by acts, threats of acts, or coercive tactics, and can include acts of humiliation, intimidation, isolation, stalking, and harassment. In some cases, the term IPV can be used interchangeably or to include Dating Violence and Domestic Violence.
- *Non-Consensual Sexual Contact* means having or attempting to have contact of a sexual nature with another person without consent and/or by force. Sexual contact can include, but is not limited to, nonconsensual touching or kissing another individual.
- *Policy Process* means any process designated by Agnes Scott to apply to *sexual misconduct* only when the Title IX Regulation Process does not, as determined by the Title IX Coordinator.
- *Sexual Exploitation* is an act or acts attempted or committed by a person for sexual

gratification, financial gain, or advancement through the abuse or exploitation of another person's sexuality. Examples include observing individuals without consent, non-consensual audio or videotaping of sexual activity, unauthorized presentation of recordings of a sexual nature, prostituting another person, allowing others to observe a personal consensual sexual act without the knowledge or consent of all involved parties, and knowingly exposing an individual to a sexually transmittable infection or virus without his or her knowledge. In some cases, demonstrated sexual exploitation may satisfy the definition of Sexual Harassment above.

- *Sexual Misconduct* is the umbrella category of gender-based discrimination, harassment or violence that is prohibited by Agnes Scott policy but not covered by Title IX regulations. Sexual misconduct as defined by this policy may also be a crime under federal and/or Georgia law. The College recognizes that anyone can be a victim or offender regardless of sex, gender, or gender identification. This policy, and the related **Sexual Misconduct and Other Discrimination, Harassment Policy** are utilized by Agnes Scott to respond promptly, thoroughly, and equitably to reports of potential sexual misconduct, including sexual violence.
- *Stalking*. Under Georgia law, "[a] person commits the offense of stalking when he or she follows, places under surveillance, or contacts another person at or about a place or places without the consent of the other person for the purpose of harassing and intimidating the other person." O.C.G.A. § 16-5-90. By this policy, Agnes Scott further defines stalking as a course (more than once) of non-consensual conduct directed toward another person that could be reasonably regarded as likely to alarm, harass, or cause reasonable fear of harm or injury in that person, or in a third party, such as a roommate or friend. The feared harm or injury may be to physical, emotional, or mental health, to personal safety, to property, to education, or to employment. Stalking may include, but is not limited to, unwelcomed and repeated visual or physical proximity to a person, repeatedly conveying oral or written threats, extorting money or valuables, implicitly threatening physical conduct, or any combination of these behaviors directed at or toward a person. Stalking includes cyber-stalking. In some cases, demonstrated stalking may satisfy the definition of stalking pursuant to VAWA and therefore may be subject to the Title IX Regulation Process.

2. Rationale for Policy

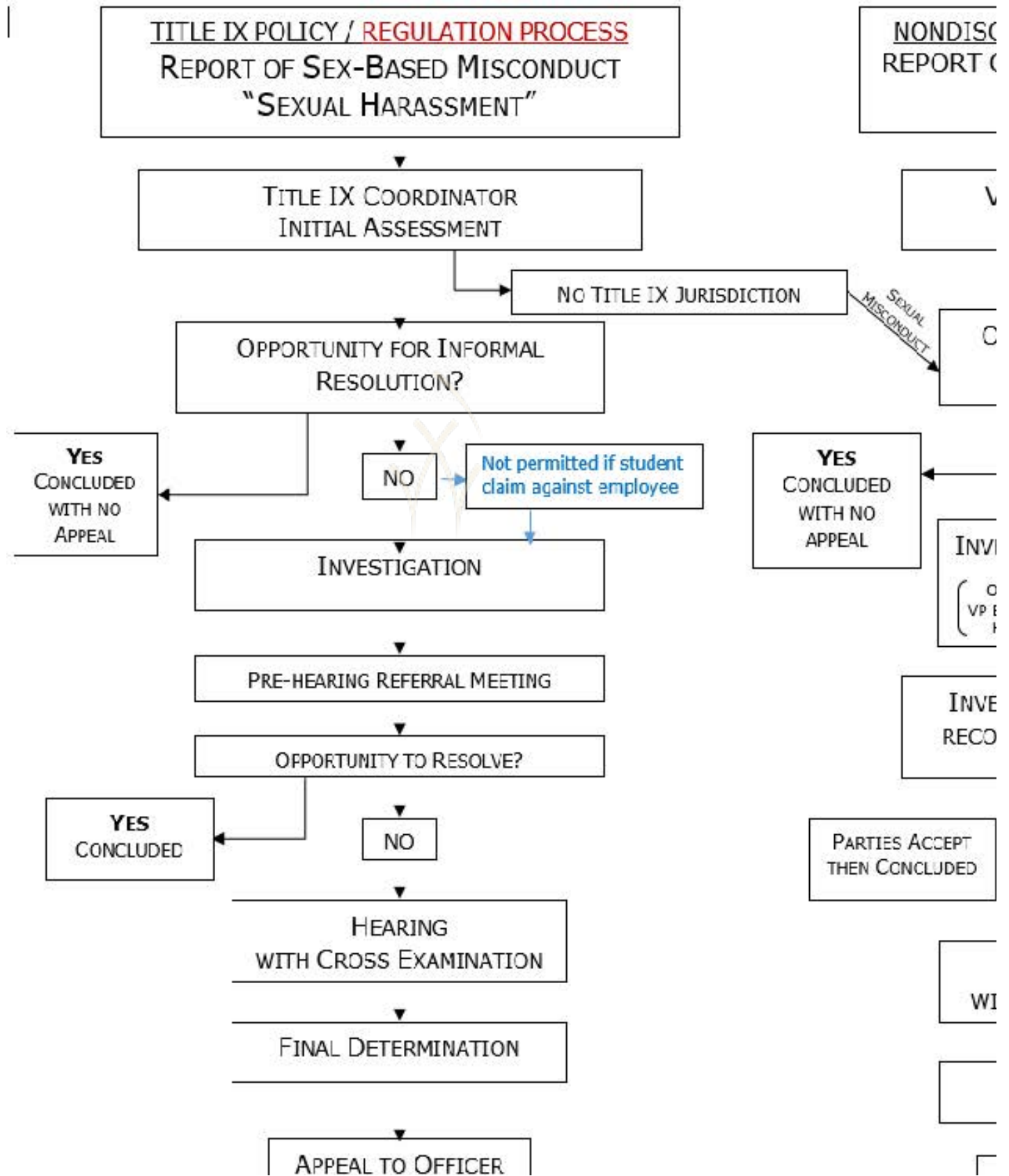
Agnes Scott is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from sexual harassment, sexual misconduct, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity,

Agnes Scott has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation sexual harassment or retaliation. Agnes Scott values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

3. Applicable Scope

A core purpose of this policy is the prohibition of sexual harassment, **sexual misconduct**, and retaliation within the Agnes Scott community, and to provide support when it occurs. When an

alleged violation of this policy is reported, the allegations are subject to resolution using Agnes Scott's "Regulation Process" or "Policy Process," as determined by the Title IX Coordinator, and as detailed below. **The Nondiscrimination Policy/Policy Process illustrated by the right column in this flowchart is highlighted in blue throughout this overarching policy.**



When the Respondent is a member of Agnes Scott community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of Agnes Scott community. This community includes, but is not limited to, students,²¹ student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. This policy may also apply to patterns and campus climate.

4. Title IX Coordinator

Marti Fessenden serves as the Title IX Coordinator and oversees implementation of this policy. The Title IX Coordinator has the primary responsibility for coordinating Agnes Scott's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sexual harassment, sexual misconduct, and retaliation prohibited under this policy.

5. Independence and Conflict-of-Interest

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact Agnes Scott President, Leocadia I Zak, president@agnesscott.edu. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

Reports of misconduct committed by the Title IX Coordinator should be reported to Agnes Scott President Leocadia I Zak, president@agnesscott.edu or designee. Reports of misconduct committed by any other Title IX Team member should be reported to the Title IX Coordinator.

6. Administrative Contact Information

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to anyone on the Title IX Team:

Marti Fessenden
Title IX Coordinator
President's Office
Location/Address: Hopkins Hall 207, 141 E. College Ave, Decatur, Georgia 30030
(404) 471-6547
Email: MFessenden@agnesscott.edu
Web: <https://www.agnesscott.edu/wellnessandsafety/title-ix-sexual-misconduct-policy.html>

Lucero Aradillas
Deputy Title IX Coordinator for Students
Director of Diversity Education and Training
Location/Address: Alston Campus Center 307, 141 E. College Ave, Decatur, Georgia 30030
(404) 471-6466
Email: LAradillas@agnesscott.edu

Karen Gilbert
Deputy Title IX Coordinator for Employees
Associate Vice President for People and Culture
Location/Address: Hopkins Hall 214, 141 E. College Ave, Decatur, Georgia 30030
(404) 471-6435
Email: KGilbert@agnesscott.edu

Officials with Authority

Agnes Scott has determined that the following administrators are Officials with Authority to address

sexual harassment, sexual misconduct and/or retaliation. In addition to the Title IX Team members listed above, these Officials with Authority listed below may also accept notice or complaints on behalf of Agnes Scott:

- Karen Goff, Vice President for Student Affairs and Dean of Students
KGoff@agnesscott.edu / Agnes Scott Hall 101 / (404) 471-6449
- Tomiko Jenkins, Senior Associate Dean of Students
TJenkins@agnesscott.edu / Alston Campus Center 226 / (404) 471-6075
- Robert Sparks, Director of Student Conduct and Community Standards
RSparks@agnesscott.edu / Agnes Scott Hall 123 / (404) 471-5409

- Jessica Foxworth, Director of Residence Life
? JFoxworth@agnesscott.edu / Winship Hall G42 / (404) 471-6327
- Markesha Henderson, Director of Athletics
MHenderson@agnesscott.edu / Woodruff Physical Activity Building / (404) 471-5412

Required Reporters

Agnes Scott also has classified employees, including Officials with Authority, as Required Reporters of any knowledge they have that a member of the community is experiencing sexual harassment, sexual misconduct and/or retaliation.

Section 18 below on Required Reporting details which employees have this responsibility and their duties.

Inquiries may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100
Customer Service Hotline #: (800) 421-3481
Facsimile: (202) 453-6012
TDD#: (877) 521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

For complaints involving employees: [Equal Employment Opportunity Commission](https://www.eeoc.gov/how-file-charge-employment-discrimination) [https://www.eeoc.gov/how-file-charge-employment-discrimination] (EEOC) ³

7. Notice/Complaints or Reports of Sexual Harassment and/or Retaliation

Notice or complaints of sexual harassment, sexual misconduct and/or retaliation may be made using any of the following options:

1) File a *Complaint* with, or give verbal notice to, the Title IX Coordinator, Deputy Title IX Coordinators or Officials with Authority (contact information above). Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.

2) Report online, using the reporting form posted at:

<https://www.agnesscott.edu/wellnessandsafety/title-ix-sexual-misconduct-policy.html>.

Anonymous reports are accepted but can give rise to a need to investigate. Agnes Scott tries

to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as Agnes Scott respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows Agnes Scott to discuss and/or provide supportive measures.

A Complainant's or Reporter's online report will not be considered by the College as a formal Notice, Complaint, or request to initiate a Formal Grievance Process under either the Regulation Process or Adjudication under the Policy Process. An online report will be considered a Report, after which the College will contact the Complainant or Reporter to provide supportive measures and explain options available under the College's Regulation Process and/or Policy Process. The Complainant may at that time initiate a formal Complaint.

3) File a *Report* with, or give verbal notice, to any Agnes Scott *Required Reporter*. A *Report* will not constitute a formal *Notice, Complaint*, or request to initiate a *Formal Grievance Process or Adjudication Process*. The individual filing or communicating a *Report* may initiate a *Complaint (formal)* at any time.

A Formal Complaint means a document submitted or signed by the Complainant or by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that Agnes Scott investigate the allegation(s).

A Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase "document submitted or signed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by Agnes Scott) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Complaint, and requests that Agnes Scott investigate the allegations.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that a Formal Complaint is intended, and that it is filed correctly.

8. Supportive Measures

Agnes Scott will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual harassment, sexual misconduct and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to Agnes Scott's education program or activity, including measures designed to protect the safety of all parties or Agnes Scott's educational environment, and/or deter sexual harassment, misconduct and/or retaliation. Supportive measures will be provided in a non-discriminatory manner. The Title IX Coordinator or designee promptly makes supportive measures available to the Complainant upon receiving notice or a Complaint. At the time that supportive measures are offered, Agnes Scott will inform the Complainant, in writing, that they may file a formal Complaint with Agnes Scott either at that time or in the future, if they have not done so already.

The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

Agnes Scott will maintain the privacy of the supportive measures, provided that privacy does not impair Agnes Scott's ability to provide the supportive measures. Agnes Scott will act to ensure as minimal an academic / occupational impact on the parties as possible.

Agnes Scott will implement measures in a way that does not unreasonably burden the other party. Supportive measures for a Respondent typically means that the college will ensure that respondents are not subject to penalty or discipline without first assuring that the rights of fairness and in the nature of due process under the Title IX Regulations are accorded. (34 CFR §106.45). Supportive measures may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Student financial aid counseling
- Education to the institutional community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact directives/orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- [Timely warnings](#)
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus

Violations of no contact directives/orders will be referred to appropriate student or employee conduct processes for enforcement.

9. Emergency Removal (Applicable to Regulation Process)

Agnes Scott can act to remove a student Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal.

This risk analysis is coordinated by the Title IX Coordinator, working with individuals charged with risk assessment using standard objective risk assessment procedures. If Agnes Scott constitutes a Behavioral Intervention Team [also known as BIT/BAT/TAT/CARE, etc.], such assessment will be conducted by the Behavioral Intervention Team.

In all cases in which an emergency removal is imposed, the student will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate.

When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. While not a strict time frame, a request made within 48 hours would be considered timely. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so.

This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator, in consultation with other campus officials, has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion.

Agnes Scott will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

Where the Respondent is an employee, existing provisions for interim action are applicable.

Interim Measures

(Applicable to Nondiscrimination Policy / Policy Process)

For Sexual Misconduct matters not governed by Title IX or its applicable regulations (34 CFR Part 106 - referred to by the college as the Regulation Process) , the College may deem that interim measures are necessary to restore or preserve access to Agnes Scott's education program or activity, including measures designed to protect the safety of all parties or Agnes Scott's educational environment, and/or deter sexual harassment, misconduct and/or retaliation.

Agnes Scott will maintain the privacy of the interim measures, provided that privacy does not impair Agnes Scott's ability to implement the measures. Agnes Scott will act to ensure as minimal an academic / occupational impact on the parties as possible.

Agnes Scott will implement interim measures in a way that does not unreasonably burden the other party.

These interim measures may include, but are not limited to:

- All Supportive Measures listed above
- Interim/Temporary administrative leave
- Interim/Temporary suspension
- Interim/Temporarily imposed leave of absence
- Interim/Temporary physical ban from campus
- Interim/Temporary ban from organization, athletic or program participation
- Any other actions deemed appropriate by the Title IX Coordinator

The interim measures may be modified, withdrawn, or made permanent as remedies or sanctions once the Policy Process reaches a resolution, by revision deemed reasonable by the Title IX Coordinator, or, by written agreement of the parties prior to resolution.

10. Promptness

All allegations are acted upon promptly by Agnes Scott once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but Agnes

Scott will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in Agnes Scott procedures will be delayed, Agnes Scott will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

11. Privacy

Every effort is made by Agnes Scott to preserve the privacy of Reports and Complaints.^[4] Agnes Scott will not share the identity of any individual who has made a Report or Complaint of misconduct, harassment or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sexual harassment or retaliation, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

Agnes Scott reserves the right to determine which Agnes Scott officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the Report or Complaint, including but not limited to: Division of Student Affairs, Agnes Scott Police, Academic Advising and any threat assessment team. Officials and faculty necessary to accomplish supportive measures, interim measures or resolutions may also be told limited information.

Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers/Hearing Facilitators, Appeal Officers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as feasible to preserve the parties' rights and privacy.

Agnes Scott may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk but will usually consult with the student first before doing so.

Confidentiality and required reporting are addressed more specifically [below](#).

12. Title IX Regulation Jurisdiction of Agnes Scott

This policy applies to the education program and activities of Agnes Scott, to conduct that takes place on the campus or on property owned or controlled by Agnes Scott, at Recipient-sponsored events, or in buildings owned or controlled by Agnes Scott's recognized student organizations. The Respondent must be a member of Agnes Scott's community in order for its policies to apply.

This policy also can be applicable to the effects of off-campus misconduct (including online conduct) that effectively deprives someone of access to Agnes Scott's educational program. ([Agnes Scott may also extend jurisdiction, pursuant to the Nondiscrimination Policy / Policy Process, to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects an Agnes Scott interest.](#))

Regardless of where the conduct occurred, Agnes Scott will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial Agnes Scott interest includes:

1. Any action that constitutes a criminal offense as defined by federal or state law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
2. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
3. Any situation that significantly impinges upon the rights, property, or achievements of oneself

- or others or significantly breaches the peace and/or causes social disorder; and/or
4. Any situation that is detrimental to the educational interests or mission of Agnes Scott.

If the Respondent is unknown or is not a member of Agnes Scott community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of Agnes Scott's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator or Deputy Title IX Coordinators.

In addition, Agnes Scott may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from Agnes Scott property and/or events.

All vendors serving Agnes Scott through third-party contracts are subject to the policies and procedures of their employers. Additionally, the College may require understanding and adherence to nondiscrimination policies.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to assist and support a student or employee Complainant who experiences sexual harassment or retaliation in an externship, study abroad program, or other environment external to Agnes Scott where sexual harassment policies and procedures of the facilitating or host organization may give recourse to the Complainant.

Sexual Misconduct - Jurisdiction Outside of Non-Title IX Regulations

(Nondiscrimination Policy / Policy Process)

For Sexual Misconduct matters prohibited by Agnes Scott policies, but not governed by Title IX (the Regulation Process) and its implementing regulations, the College may take jurisdiction pursuant to this policy or other policies in order to equitably and fairly provide supportive/interim measures, investigations, adjudications, resolutions (formal or informal) and/or remedies/sanctions. *This Policy Process will be provided in concert with the companion ***Sexual Misconduct and Other Discrimination, Harassment Policy***.

13. Time Limits on Reporting

While there is no time limitation on providing Notice/Complaints or Reports to the Title IX Coordinator, significant passage of time limits the ability of the college to provide meaningful resolution or remedies. For instance, if the Respondent is no longer subject to Agnes Scott's jurisdiction, or witnesses, and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on Notice/Complaints or Reports significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, Agnes Scott will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint. By consent of the parties, the policy in place at the time of investigation, adjudication and/or resolution may be applied.

14. Online Sexual Harassment and/or Retaliation

The policies of Agnes Scott are written and interpreted broadly to include online manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on Agnes

Scott's education program and activities or use Agnes Scott networks, technology, or equipment.

Although Agnes Scott may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to Recipient, it will engage in a variety of means to address and mitigate the effects.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social media, unwelcome sexual or sex-based messaging, distributing or threatening to distribute revenge pornography, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of Agnes Scott community.

Off-campus harassing speech by employees, whether online or in person, may be addressed by Agnes Scott only when such speech is made in an employee's official or work-related capacity.

15. Policy on Nondiscrimination

Agnes Scott College does not discriminate on the basis of race, color, national origin, religion, sexual orientation, gender identity, gender expression, age or disability in the recruitment and admission of any student and, in addition, does not discriminate on the basis of gender in the recruitment and admission of students to its graduate and post-baccalaureate programs. This nondiscriminatory policy also applies to all the rights, privileges, programs, and activities generally accorded or made available to students at the college and to the administration of educational policies, scholarship and loan programs and all other programs administered by the college.

This policy will be enforced in conformance with Agnes Scott's commitment to nondiscrimination.

The corresponding Agnes Scott College *Sexual Misconduct and Other Discrimination, Harassment Policy is intended to fully address all prohibited forms of discrimination, harassment, and violence.

16. Definition of Sexual Harassment

The Department of Education's Office for Civil Rights (OCR) and the Equal Employment Opportunity Commission (EEOC) regard Sexual Harassment as an unlawful discriminatory practice.

Agnes Scott has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the actual or attempted offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as: Conduct on the basis of sex or that is sexual that satisfies one or more of the following:

1. Quid Pro Quo:

1. an employee of Agnes Scott,
2. conditions^[5] the provision of an aid, benefit, or service of Agnes Scott,
3. on an individual's participation in unwelcome sexual conduct .

2. Sexual Harassment / *Denial of Access*:

1. unwelcome conduct,
2. determined by a reasonable person,
3. to be so severe, and
4. pervasive, and,
5. objectively offensive,

6. that it effectively denies a person equal access to Agnes Scott's education program or activity.^[6]
3. Sexual assault, defined as:
 1. Sex Offenses, Forcible:
 2. Any sexual act^[7] directed against another person ^[8],
 3. without the consent of the Complainant,
 4. including instances in which the Complainant is incapable of giving consent.^[9]
 2. Sex Offenses, Non-forcible:
 - Incest:
 1. Non-forcible sexual intercourse,
 2. between persons who are related to each other,
 3. within the degrees of relation as prohibited by Georgia law.
 - Statutory Rape:
 1. Non-forcible sexual intercourse,
 2. with a person who is under the statutory age of consent of 16.
4. Dating Violence, defined as:
 1. violence,
 2. on the basis of sex,
 3. committed by a person,
 4. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 1. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition-
 2. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 3. Dating violence does not include acts covered under the definition of domestic violence.
5. Domestic Violence, defined as:
 1. violence,
 2. on the basis of sex,
 3. committed by a current or former spouse or intimate partner of the Complainant,
 4. by a person with whom the Complainant shares a child in common, or
 5. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
 6. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Georgia, or
 7. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Georgia.

-To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The

people cohabitating must be current or former spouses or have an intimate relationship.

6. Stalking, defined as:

1. engaging in a course of conduct,
2. on the basis of sex,
3. directed at a specific person, that
 1. would cause a reasonable person to fear for the person's safety, or
 2. the safety of others; or
 3. suffer substantial emotional distress.

For the purposes of this definition-

1. Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
2. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
3. Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Agnes Scott reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

c. Force, Coercion, Consent, and Incapacitation^[10]

As used in the offenses above, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent (e.g., "Have sex with me or I'll hit you," "Okay, don't hit me, I'll do what you want.").

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Individuals may experience the same interaction in different ways. Therefore, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on Agnes Scott to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard that assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

17. Retaliation

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process in any capacity, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. Agnes Scott will take all appropriate and available steps to protect individuals who fear that they may be subjected to retaliation.

Agnes Scott and any member of Agnes Scott's community are prohibited from taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or

because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Filing a complaint within the Policy Process could be considered retaliatory if those charges could be applicable under the Regulation Process, when the Policy Process charges are made for the purpose of interfering with or circumventing any right or privilege provided afforded within the Regulation Process that is not provided by the Policy Process. Therefore, Agnes Scott vets all complaints carefully to ensure this does not happen, and to assure that complaints are tracked to the appropriate Regulation or Policy Process.

The exercise of rights under the principles of free thought and expression does not constitute retaliation unless there is evidence, direct or indirect, of a retaliatory intent.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a any proceeding under this policy and companion procedures does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith..

18. Required Reporting

All Agnes Scott employees (faculty and staff (non-student) who are not union members) are expected to report actual or suspected sexual misconduct, sexual harassment or retaliation to appropriate officials immediately, though there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and required reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected sexual harassment or retaliation. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Required Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at Agnes Scott for a Complainant, Reporter or third-party:

a. Confidential Resources

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- On-campus licensed professional counselors and staff
- On-campus health service providers and staff
- On-campus chaplain working within the scope of their licensure or ordination
- Athletic trainers (if licensed and privileged under state statute, and/or working under the supervision of a health professional)
- Off-campus (non-employees):
 - Licensed professional counselors and other medical providers
 - Local rape crisis counselors
 - Domestic violence resources
 - Local or state assistance agencies
 - Clergy/Chaplains
 - Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Campus counselors [Employee Assistance Program for employees] are available to help free of charge and may be consulted on an emergency basis during normal business hours.

Confidential resources who receive reports within the scope of their confidential roles will timely submit anonymous statistical information solely for Clery Act purposes unless they believe that providing such information would be harmful to the client, patient, or parishioner.

b. Anonymous Notice to Required Reporters

At the request of a Complainant, notice may be given by a Required Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Required Reporter cannot remain anonymous themselves.

If a Complainant has requested that a Required Reporter maintain the Complainant's anonymity, the Required Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Required Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

Anonymous notice will be investigated by Agnes Scott to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided.

However, anonymous notice limits Agnes Scott's ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Required Reporter, but all other details must be shared with the Title IX Coordinator. Required reporters may not be able to maintain requests for anonymity for Complainants who are minors, elderly, and/or disabled, depending on state reporting of abuse requirements.

c. Required Reporters and Formal Notice/Complaints

All non-union employees of Agnes Scott (not student employees), with the exception of those who are designated as Confidential Resources, are Required Reporters and must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Required Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as "Take Back the Night" marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from Agnes Scott.

Supportive measures may be offered as the result of such disclosures without formal Agnes Scott action.

Failure of a Required Reporter, as described above in this section, to report an incident of sexual harassment or retaliation of which they become aware is a violation of Agnes Scott policy and can be subject to disciplinary action for failure to comply.

When a Required Reporter is engaged in harassment or other violations of this policy, they still have a duty to report their own misconduct, though Agnes Scott is technically not on notice when a harasser is also a Required Reporter unless the harasser does in fact report themselves.

Finally, it is important to clarify that a Required Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

19. When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether Agnes Scott proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance or adjudication process upon completion of a risk assessment.

The Title IX Coordinator's decision could be based on results of a risk assessment or other factual analysis that show a compelling risk to health and/or safety that requires Agnes Scott to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. Recipients may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and Agnes Scott's ability to pursue a [Formal Grievance Process](#) or [Adjudication Process](#) fairly and effectively.

In the Regulation Process, when the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy. [*If the college proceeds under the Policy Process, the college will be the Complainant.](#)

When Agnes Scott proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant, though this does not extend to the provision of evidence or testimony.

Note that Agnes Scott's ability to remedy and respond to notice likely will be limited if the Complainant does not want Agnes Scott to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing Agnes Scott's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow Agnes Scott to honor that request, Agnes Scott will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. While there is no strict time limitation within which a Complainant must pursue a formal complaint, the meaningful opportunity for resolve, remedies, and sanctions decreases with the passage of time. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by the College, and to have the incidents investigated and properly resolved through these procedures. Please consider that delays may cause limitations on access to evidence, or present issues with respect to the status of the parties.

20. Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, Agnes Scott must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

Agnes Scott will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

21. False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy are a serious offense and will be subject to appropriate disciplinary action. This does not include allegations that are made in good faith but are ultimately shown to be erroneous or do not result in a policy violation determination.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under Agnes Scott policies.

22. Amnesty for Complainants and Witnesses

Agnes Scott community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to Agnes Scott officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of Agnes Scott community that Complainants choose to report misconduct to Agnes Scott officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, Agnes Scott maintains a policy of offering parties and witnesses amnesty from minor policy violations - such as underage consumption of alcohol or the use of illicit drugs - related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty - the incentive to report serious misconduct - is rarely applicable to Respondent with respect to a Complainant.

Students: Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual assault to Public Safety).

Agnes Scott maintains a policy of amnesty for students who offer help to others in need. Although policy violations cannot be overlooked, Agnes Scott may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.

Employees: Sometimes, employees are hesitant to report sexual harassment or retaliation they have experienced for fear that they may get in trouble themselves. For example, an employee who has violated the consensual relationship policy and is then assaulted in the course of that relationship might hesitate to report the incident to Agnes Scott officials.

Agnes Scott may, at its sole discretion, offer employee Complainants amnesty from such policy violations (typically more minor policy violations) related to the incident. Amnesty may also be granted to Respondents and witnesses on a case-by-case basis. Amnesty will be considered and/or provided in a non-discriminatory manner.

23. Federal Statistical Reporting Obligations

Certain campus officials - those deemed Campus Security Authorities - have a duty to report the following for federal statistical reporting purposes (Clery Act):

1. All "primary crimes," which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
2. Hate crimes, which include any bias-motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
3. VAWA-based crimes,^[11] which include sexual assault, domestic violence, dating violence, and stalking; and
4. Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be shared with Public Safety regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities include: student affairs/student conduct staff, public safety officers, local police, coaches, athletic directors, residence life staff, student activities staff, people and culture staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

**COMMON PROCESS PROVISIONS FOR
ALLEGED VIOLATIONS OF THE TITLE IX SEXUAL HARASSMENT REGULATIONS
(REGULATION PROCESS)**

and

**ALLEGED VIOLATIONS OF THE SEXUAL MISCONDUCT POLICY
(NONDISCRIMINATION POLICY / POLICY PROCESS)**

1. Overview

Agnes Scott will act on any formal or informal notice/complaint of violation of the Policy that is received by the Title IX Coordinator,^[12] Official with Authority or Required Reporter.

With the exception of the scope of the Investigator's duties and hearing protocols, the procedures below largely apply to both the Regulation Process and the Policy Process. Qualifying allegations of sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) involving students, staff, or faculty members will be resolved through the Regulation Process.

Allegations of Sexual Misconduct that do not satisfy jurisdictional requirements of the Title IX regulations, will be resolved through the Policy Process.

Where there are variations between the two processes and procedures, they are noted.

**If a dismissal occurs under this Regulation Process, please see [Sexual Misconduct and Other Discrimination Harassment Policy and Protocols \(Nondiscrimination Policy\)](#) for a description of the procedures that may be applicable to the resolution of such sexual misconduct offenses, known as the "Policy Process."*

The Policy Process can also apply to sexual harassment (including sexual assault, dating violence, domestic violence, and stalking, as defined above) when jurisdiction does not fall within the Regulation Process, as determined by the Title IX Coordinator.

The procedures below may be used to address collateral misconduct arising from the investigation of or occurring in conjunction with reported misconduct (e.g., vandalism, physical abuse of another). All other allegations of misconduct unrelated to incidents covered by the Policy will be addressed through procedures described in the student, faculty, and staff handbooks.

2. Notice/Complaint

Upon receipt of a complaint or notice to the Title IX Coordinator of an alleged violation of the Policy, the Title IX Coordinator initiates a prompt initial assessment to determine the next steps Agnes Scott needs to take.

The Title IX Coordinator will initiate at least one of three initial responses:

- 1) Offering supportive measures because the Complainant does not want to file a formal complaint; and/or
- 2) An informal resolution (upon submission of a formal complaint) or by request if it is apparent that Title IX jurisdiction is not satisfied and the Complainant seeks only the Policy Process (*which does not require a formal complaint); and/or
- 3) A Regulatory Formal Grievance Process including an investigation and a hearing (upon submission of a formal complaint seeking the Regulation Process), or a referral to an *Adjudication*, to include an investigation and possible hearing in the Policy Process.

Agnes Scott uses the Regulatory Formal Grievance Process to determine whether the Title IX regulation-related Policy has been violated. If so, Agnes Scott will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual harassment or retaliation, their potential recurrence, or their effects.

*Agnes Scott uses the Policy Process / Adjudication Process to determine whether the Sexual Misconduct Policy (addressing misconduct not covered by the Title IX Regulations) has been violated.

3. Initial Assessment

Following receipt of notice or a complaint of an alleged violation of this Policy, the Title IX Coordinator^[13] engages in an initial assessment, typically within one to five business days. The steps in an initial assessment can include:

- If notice is given, the Title IX Coordinator seeks to determine if the person impacted wishes to make a formal complaint, and will assist them to do so, if desired.
 - If they do not wish to do so, the Title IX Coordinator determines whether to initiate a complaint because a violence risk assessment indicates a compelling threat to health and/or safety.
- If a formal complaint is received, the Title IX Coordinator assesses its sufficiency and works with the Complainant to make sure it is correctly completed.
- The Title IX Coordinator reaches out to the Complainant to offer supportive measures.
- The Title IX Coordinator works with the Complainant to ensure they are aware of the right to have an Advisor.
- The Title IX Coordinator works with the Complainant to determine whether the Complainant prefers a supportive and remedial response, an informal resolution option, or a formal investigation and grievance process.
 - If a supportive and remedial response is preferred, the Title IX Coordinator works with the Complainant to identify their wishes, assesses the request, and implements accordingly. No Formal Grievance Process is initiated, though the Complainant can elect to initiate one later, if desired.

- If an informal resolution option is preferred, the Title IX Coordinator assesses whether the complaint is suitable for informal resolution, which informal mechanism may serve the situation best or is available, and may seek to determine if the Respondent is also willing to engage in informal resolution.
- If a Formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:
 - If it does, the Title IX Coordinator will initiate the formal investigation and grievance process, directing the investigation to address:
 - an incident, and/or
 - a pattern of alleged misconduct, and/or
 - a culture/climate concern, based on the nature of the complaint.
 - If it does not, the Title IX Coordinator determines that Title IX does not apply (and will "dismiss" that aspect of the complaint, if any), assesses which policies may apply, which resolution process is applicable, and will refer the matter accordingly. *If the matter concerns Sexual Misconduct, it may be referred to the Policy Process. Dismissing a complaint under Title IX is solely a procedural requirement under Title IX and does not limit Agnes Scott's authority to address a complaint with an appropriate process and remedies.
 - **Dismissal (Mandatory and Discretionary)^[14]**

Note: If a complaint is dismissed under this Title IX Regulation Policy, the claimant can consider pursuit of the same claim under the Policy Process (Sexual Misconduct / Nondiscrimination Policy).

Agnes Scott must dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing, it is determined that:

1. The conduct alleged in the formal complaint would not constitute Title IX sexual harassment as defined above, even if proved; and/or
2. The conduct did not occur in an educational program or activity controlled by Agnes Scott (including buildings or property controlled by recognized student organizations), and/or Agnes Scott does not have control of the Respondent; and/or
3. The conduct did not occur against a person in the United States; and/or
4. At the time of filing a formal complaint, a complainant is not participating in or attempting to participate in the education program or activity of Agnes Scott.^[15]

Agnes Scott may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein; or
2. The Respondent is no longer enrolled in or employed by Agnes Scott; or
3. Specific circumstances prevent Agnes Scott from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

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

This dismissal decision is appealable by any party under the procedures for appeal below. The decision not to dismiss is also appealable by any party claiming that a dismissal is required or appropriate. A Complainant who decides to withdraw a complaint may later request to reinstate it

or refile it.

4. Counterclaims

Agnes Scott is obligated to ensure that the grievance process is not abused for retaliatory purposes. Agnes Scott permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. Counterclaims by a Respondent may be made in good faith, but are, on occasion, impermissibly made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted.

Counterclaims determined to have been reported in good faith will be processed using the grievance or adjudication procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims may also be resolved through the same investigation as the underlying allegation, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

5. Right to an Advisor

The parties may each have an Advisor^[16] of their choice present with them for all meetings, interviews, and hearings within the resolution process or **policy process**, if they so choose. The parties may select whoever they wish to serve as their Advisor so long as the Advisor is eligible and available.^[17]

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

a. Who Can Serve as an Advisor

The Advisor may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. The parties may choose Advisors from inside or outside of Agnes Scott community.

If the matter will be resolved through the Title IX Regulation Process, the Title IX Coordinator will also offer to assign an Advisor for any party if the party so chooses. If the parties choose an Advisor from the pool available from Agnes Scott, the Advisor will be familiar with Agnes Scott's resolution process.

If the parties choose an Advisor from outside the pool of those identified by Agnes Scott, the Advisor may not have been educated by Agnes Scott and may not be familiar with Agnes Scott policies and procedures.

**If the matter will be resolved through the Policy Process / Adjudication Process, the parties are entitled to the Advisor of their choice, but Agnes Scott will not offer to provide or assign an Advisor.*

Parties also have the right to choose not to have an Advisor in the initial stages of the resolution process, prior to a hearing.

Parties participating in the *Regulation Process/Formal Grievance Process* must have an Advisor at the hearing to cross-examine the other party.

**Parties participating in the Policy Process/Adjudication Process may have an Advisor at the hearing, but an advisor is not required. (*and no direct cross-examination is permitted in the Policy/Adjudication Process)*

b. Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

Agnes Scott cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Agnes Scott is not obligated to provide an attorney.

c. Advisors in Regulation Process Hearings/Agnes Scott-Appointed Advisor [Does not apply to the Policy / Adjudication Process]

Under Title IX regulations, a form of direct questioning (cross-examination) is permitted during the hearing but must be conducted by the parties' Advisors. The parties are not permitted to directly question each other or any witnesses. If a party does not have an Advisor for a Regulation Process hearing, Agnes Scott will appoint an Advisor for the limited purpose of conducting any questioning of the other party and witnesses.

A party may reject this appointment and choose their own Advisor, but they may not proceed without an Advisor in a Regulation Process hearing. If the party's Advisor will not conduct questioning, Agnes Scott will appoint an Advisor who will do so thoroughly, regardless of the participation or non-participation of the advised party in the hearing itself.

Extensive questioning of the parties and witnesses will also be conducted by the Decision-maker(s) during the Regulation Process and/or Policy Process hearing.

*In a Policy Process hearing, the Advisor will not be permitted to directly question the other party or witnesses. *The parties or Advisors may provide written questions to the Decision-maker/Panel members to be asked of the other party or witnesses.*

d. Advisor's Role in Meetings and Interviews

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors should help the parties prepare for each meeting and are expected to advise ethically, with integrity, and in good faith.

Agnes Scott cannot guarantee equal Advisory rights, meaning that if one party selects an Advisor who is an attorney, but the other party does not or cannot afford an attorney, Agnes Scott is not obligated to provide an attorney.

e. Pre-Interview Meetings

Advisors may request to meet with the administrative officials conducting interviews/meetings in advance of these interviews or meetings. This pre-meeting will be allowed at the discretion of the Title IX Coordinator and solely for the purpose to clarify and understand their role and Agnes Scott's policies and procedures.

f. Advisor Violations of Agnes Scott Policy

All Advisors are subject to the same Agnes Scott policies and procedures, whether they are attorneys or not. Advisors are expected to advise their advisees without disrupting proceedings. Advisors should not address Agnes Scott officials in a meeting or interview unless invited to (e.g., asking procedural questions). The Advisor may not make a presentation or represent their advisee during any meeting or proceeding and may not speak on behalf of the advisee to the Investigator(s) or other Decision-maker(s) *except during a Regulation Process hearing proceeding, during cross-examination.*

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the resolution process. Although the Advisor generally may not speak on behalf of their advisee, the Advisor may consult with their advisee, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

Any Advisor who oversteps their role as defined by this policy will be warned only once. If the Advisor continues to disrupt or otherwise fails to respect the limits of the Advisor role, the meeting will be ended, or other appropriate measures implemented. Subsequently, the Title IX Coordinator

will determine how to address the Advisor's non-compliance and future role.

g. Sharing Information with the Advisor

Agnes Scott expects that the parties may wish to have Agnes Scott share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor or other individuals if they wish. Doing so may help the parties participate more meaningfully in the resolution process.

A party may specify in writing, with signature, that Agnes Scott also is also authorized to share such information directly with their Advisor. The signed consent may be emailed or delivered in person to the Title IX Coordinator. Without a signed consent, Agnes Scott will not share information directly with an Advisor.

If a party requests that all communication be made through their attorney Advisor, Agnes Scott will not comply with that request because of its obligation to use official communication with students and employees.

h. Privacy of Records Shared with Advisor

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by Agnes Scott. Agnes Scott may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by Agnes Scott's privacy expectations.

i. Expectations of an Advisor

Agnes Scott generally expects an Advisor to adjust their schedule to allow them to attend Agnes Scott meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay.

Agnes Scott may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

j. Expectations of the Parties with Respect to Advisors

A party may elect to change Advisors during the process and is not obligated to use the same Advisor throughout. The parties are expected to inform the Investigator(s) or Title IX Coordinator of the identity of their Advisor at least two (2) business days before the date of their first meeting with Investigators (or as soon as possible if a more expeditious meeting is necessary or desired).

The parties are expected to provide timely notice to the Title IX Coordinator if they change Advisors at any time. It is assumed that if a party changes Advisors, consent to share information with the previous Advisor is terminated, and a signed consent for the new Advisor must be secured. Parties are expected to inform the Title IX Coordinator of the identity of their hearing Advisor at least two (2) business days before the hearing.

k. Assistance in Securing an Advisor (primarily for the Regulation Process)

For representation, Respondents may wish to contact organizations such as:

- FACE (<http://www.facecampusequality.org>)
- SAVE (<http://www.saveservices.org>).

Complainants may wish to contact organizations such as:

- The Dekalb Volunteer Lawyers Foundation (<https://dekalbprobono.org/>)
- The Victim Rights Law Center (<http://www.victimrights.org>),
- The Time's Up Legal Defense Fund: <https://nwlc.org/times-up-legal-defense-fund/>]

6. Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with Agnes Scott policy. Although there is an expectation of privacy around what Investigators share with parties during interviews, the parties have discretion to share their own knowledge and evidence with others if they so choose, with the exception of information the parties agree not to disclose related to Informal Resolution, discussed below. **Agnes Scott encourages parties to discuss any sharing of information with their Advisors before doing so.**

a. Informal Resolution

Informal Resolution can include three different approaches:

- When the Title IX Coordinator can resolve the matter informally by providing supportive measures (only) to remedy the situation.
- When the parties agree to resolve the matter through an alternate resolution mechanism as described below, including mediation, restorative practices, negotiated resolution etc., usually but not always before a formal investigation takes place; see discussion in b., below.
- When the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process (similar to above, usually occurs post-investigation); see discussion in c., below.

To initiate Informal Resolution for a matter governed by the Title IX regulations, a Complainant needs to submit a formal complaint, as defined above. **A formal complaint is not required before Informal Resolution may be sought in matters outside the Title IX regulations that fall within the Policy Process.* A Respondent who wishes to initiate Informal Resolution should contact the Title IX Coordinator.

It is not necessary to pursue Informal Resolution first in order to pursue a Formal Grievance Process in the Regulation Process or Adjudication in the Policy Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the Formal Grievance Process or Adjudication Process.

Prior to implementing Informal Resolution, Agnes Scott will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by Agnes Scott.

Agnes Scott will obtain voluntary, written confirmation that all parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the parties to participate in Informal Resolution.

b. Alternate Resolution Mechanism

Alternate Resolution is an informal mechanism by which the parties reach a mutually agreed-upon resolution of an allegation. All parties must consent to the use of an Alternate Resolution mechanism.

The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution is appropriate, or which form of Alternate Resolution may be most successful for the parties:

- The parties' amenability to Alternate Resolution;
- Likelihood of potential resolution, taking into account any power dynamics between the

- parties;
- The parties' motivation to participate;
- Civility of the parties;
- Results of a violence risk assessment/ongoing risk analysis;
- Disciplinary history;
- Whether an emergency removal is needed;
- Skill of the Alternate Resolution facilitator with this type of allegation;
- Complaint complexity;
- Emotional investment/capability of the parties;
- Rationality of the parties;
- Goals of the parties;
- Adequate resources to invest in Alternate Resolution (time, staff, etc.)

The ultimate determination of whether Alternate Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

c. Respondent Accepts Responsibility for Alleged Violations

The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria above.

If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and Agnes Scott are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of Agnes Scott policy and implements agreed-upon sanctions and/or remedies, in coordination with other appropriate administrator(s), as necessary.

This result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process or Adjudication Process will resume at the same point where it was paused.

When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the sexual harassment or retaliation, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

d. Negotiated Resolution

The Title IX Coordinator, with the consent of the parties, may negotiate and implement an agreement to resolve the allegations that satisfies all parties and Agnes Scott. Negotiated Resolutions are not appealable.

7. Grievance or Adjudication Process Pool (Investigators, Advisors, Resolution Facilitators, Decision-makers, Panel Members, Hearing Facilitators, Appeal Officers)

The Formal Grievance Process and Adjudication Process rely on a pool of administrators ("the Pool") to carry out the process. Members of the Pool are announced in an annual distribution of this policy to all students, parents/guardians of minor students, employees, prospective students, and prospective employees.

The list of Pool members and titles will be posted at a later date.

a. Pool Member Roles

Members of the Pool are trained annually, and can serve in in the one of the following roles (per complaint), at the direction of the Title IX Coordinator:

- To provide appropriate intake of and initial guidance pertaining to complaints
- To act as an Advisor to the parties
- To serve in a facilitation role in Informal Resolution or Alternate Resolution if appropriately trained in facilitation and/or resolution modalities (e.g., mediation, restorative practices)
- To perform or assist with the initial assessment
- To investigate complaints
- To serve as an Advisor
- To serve as a hearing facilitator (process administrator, no decision-making role)
- To serve as a Decision-maker regarding the complaint
- To serve as an Appeal Officer

b. Pool Member Appointment

The Title IX Coordinator appoints the Pool, which acts with independence and impartiality. Members of the Pool are typically trained in a variety of skill sets and can rotate among the different roles listed above in different cases.

c. Pool Member Training

The Pool members receive annual training. This training includes, but is not limited to:

- The scope of Agnes Scott's Sexual Harassment and Sexual Misconduct Policy and Procedures
- How to conduct investigations and hearings that protect the safety of Complainants and Respondents, and promote accountability
- Implicit bias
- Disparate treatment and impact
- Reporting, confidentiality, and privacy requirements
- Applicable laws, regulations, and federal regulatory guidance
- How to implement appropriate and situation-specific remedies
- How to investigate in a thorough, reliable, and impartial manner
- How to uphold fairness, equity, and due process
- How to weigh evidence
- How to conduct questioning
- How to assess credibility
- Impartiality and objectivity
- How to render findings and generate clear, concise, evidence-based rationales
- The definitions of all offenses
- How to apply definitions used by Agnes Scott with respect to consent (or the absence or negation of consent) consistently, impartially, and in accordance with policy
- How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes
- How to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias
- Any technology to be used at a live hearing
- Issues of relevance of questions and evidence

- Issues of relevance to create an investigation report that fairly summarizes relevant evidence
- How to determine appropriate sanctions in reference to all forms of harassment and/or retaliation allegations
- Recordkeeping

Training is also provided for Advisors (who may be Agnes Scott employees). All Pool members may be required to attend these trainings annually. The materials used to train all members of the Pool are publicly posted [here](#) and may be found by link from the college's Title IX webpage.

d. Pool Membership

The Pool typically, but not exclusively, includes:

- 2 or more members of the Academic Affairs administration and/or faculty
- 3 or more members of the administration/staff
- At least 1 representative from People and Culture
- External, trained third-party neutral professionals may also be used to serve in pool roles

Individuals who are interested in serving in the Pool are encouraged to contact the Title IX Coordinator.

8. Formal Grievance and Adjudication Process: Notice of Investigation and Allegations

The Title IX Coordinator will provide written notice of the investigation and allegations (the "NOIA") to the Respondent upon commencement of the Formal Grievance Process [or Adjudication Process](#). This facilitates the Respondent's ability to prepare for the interview and to identify and choose an Advisor to accompany them. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- A meaningful summary of all of allegations,
- The identity of the involved parties (if known),
- The precise misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The specific policies implicated,
- A description of the applicable procedures,
- A statement of the potential sanctions/responsive actions that could result,
- A statement that Agnes Scott presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period,
- A statement about Agnes Scott's policy on retaliation,
- Information about the privacy of the process,
- Information on the need for each party to have an Advisor of their choosing and suggestions for ways to identify an Advisor,
- A statement informing the parties that Agnes Scott's Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process,
- A link to Agnes Scott's VAWA Brochure,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the

interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have, and

- An instruction to preserve any evidence that is directly related to the allegations.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official Agnes Scott records, or emailed to the parties' Agnes Scott email account. Email will be the preferred means of notification. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

9. Resolution Timeline

Agnes Scott will make a good faith effort to complete the resolution process within a sixty-to-ninety (60-90) business day time period, including appeal, which can be extended as necessary for appropriate cause by the Title IX Coordinator, who will provide notice and rationale for any extensions or delays to the parties as appropriate, as well as an estimate of how much additional time will be needed to complete the process.

10. Appointment of Investigators

Once the decision to commence a formal investigation is made, the Title IX Coordinator or designee will assign an internal and/or external (third-party) trained Investigator (Pool member) to conduct a prompt, thorough, fair, and impartial investigation (typically using a team of two Investigators), usually within two (2) business days of determining that an investigation should proceed.

The college retains the authority and has the sole discretion in determining when to assign an internal and/or external (third-party) Investigator / Pool member.

11. Impartiality

Any individual materially involved in the administration of the resolution process including the Title IX Coordinator, Investigator(s), and Decision-maker(s), Appeal Officer may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator will vet the assigned Investigator(s) to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator will determine whether the concern is reasonable and supportable. If so, another Pool member will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator, concerns should be raised with any Deputy Title IX Coordinator for whom no interest no bias exists.

The Formal Grievance or Adjudication Process involves an objective evaluation of all relevant evidence obtained, including evidence that supports that the Respondent engaged in a policy violation and evidence that supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

Agnes Scott operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

12. Investigation Timeline

Investigations are completed expeditiously, normally within thirty (30) business days, though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, etc.

Agnes Scott will make a good faith effort to complete investigations as promptly as circumstances permit and will communicate regularly with the parties to update them on the progress and timing of the investigation.

13. Delays in the Investigation Process and Interactions with Law Enforcement

Agnes Scott may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the absence of parties and/or witnesses, and/or accommodations for disabilities or health conditions, and /or national emergencies which might include civil unrest, natural disasters or an epidemic or pandemic.

Agnes Scott will communicate in writing the anticipated duration of the delay and reason to the parties and provide the parties with status updates if necessary. Agnes Scott will promptly resume its investigation and resolution process as soon as feasible. During such a delay, Agnes Scott will implement supportive measures as deemed appropriate.

Agnes Scott action(s) or processes are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

14. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses; obtaining available, relevant evidence (non-duplicative); and identifying sources of expert information, as necessary.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s), but not in every case, the following steps if not already completed (not necessarily in this order):

- Determine the identity and contact information of the Complainant
 - In coordination with campus partners (e.g., the Title IX Coordinator), initiate or assist with any necessary supportive measures
 - Identify all policies implicated by the alleged misconduct and notify the Complainant and Respondent of all of the specific policies implicated
 - Assist the Title IX Coordinator with conducting a prompt initial assessment to determine if the allegations indicate a potential policy violation
 - Commence a thorough, reliable, and impartial investigation by identifying issues and developing a strategic investigation plan, including a witness list, evidence list, intended investigation timeframe, and order of interviews for all witnesses and the parties
 - Meet with the Complainant to finalize their interview/statement, if necessary
 - Prepare the initial Notice of Investigation and Allegation (NOIA). The NOIA may be amended with any additional or dismissed allegations
-
- Notice should inform the parties of their right to have the assistance of an Advisor, who could be a member of the Pool or an Advisor of their choosing

present for all meetings attended by the party

- Provide each interviewed party and witness an opportunity to review and verify the Investigator's summary notes (or transcript) of the relevant evidence/testimony from their respective interviews and meetings
- Make good faith efforts to notify the parties of any meeting or interview involving the other party, in advance when possible
- When participation of a party is expected, provide that party with written notice of the date, time, and location of the meeting, as well as the expected participants and purpose
- Interview all available, relevant (nonduplicative) witnesses and conduct follow-up interviews as necessary
- Allow each party the opportunity to suggest witnesses and questions they wish the Investigator(s) to ask of the other party and witnesses, and document in the report which questions were asked, with a rationale for any changes or omissions
- Complete the investigation promptly and without unreasonable deviation from the intended timeline
- Provide regular status updates to the parties throughout the investigation
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) with a list of witnesses whose information will be used to render a finding
- Write a comprehensive investigation report fully summarizing the investigation, all witness interviews, and addressing all relevant evidence. Appendices including relevant physical or documentary evidence will be included
- Prior to the conclusion of the investigation, provide the parties and their respective Advisors (if so desired by the parties) a secured electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the reported misconduct, including evidence upon which Agnes Scott does not intend to rely in reaching a determination, for a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence. The parties may elect to waive the full ten days. Each copy of the materials shared will be watermarked on each page with the role of the person receiving it (e.g., Complainant, Respondent, Complainant's Advisor, Respondent's Advisor). *The draft investigation report must be kept strictly confidential and will be shared contingent upon a non-disclosure requirement.*
- The Investigator(s) may elect to respond in writing in the investigation report to the parties' submitted responses and/or to share the responses between the parties for additional responses
- The Investigator(s) will incorporate relevant elements of the parties' written responses into the final investigation report, include any additional relevant evidence, make any necessary revisions, and finalize the report. The Investigator(s) should document all rationales for any changes made after the review and comment period
- The Investigator(s) may share the report with the Title IX Coordinator and/or legal counsel for their review and feedback
- The Investigator will incorporate any relevant feedback, and the final report is then shared with all parties and their Advisors through secure electronic transmission or hard copy at least ten (10) business days prior to a hearing. The parties are also provided with a file of any directly related evidence that was not included in the report. *The final report must be kept strictly confidential and will be shared contingent upon a non-disclosure requirement.*

In the Regulation Process, the Investigator(s) gather, assess, and synthesize evidence, but make no conclusions, engage in no policy analysis, and render no recommendations as part of their report.

In the Policy Process, the Investigator(s) gather, assess, and synthesize evidence, to draw conclusions, engage in policy analysis, and provide recommendations as part of their report.

15. Role and Participation of Witnesses in the Investigation

Witnesses (as distinguished from the parties) who are employees of Agnes Scott are expected to cooperate with and participate in Agnes Scott's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a violation of policy and may warrant discipline.

Although in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Skype, Zoom, FaceTime, WebEx, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. Agnes Scott will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

Witnesses may also provide written statements in lieu of interviews or choose to respond to written questions, if deemed appropriate by the Investigator(s). If a witness submits a written statement but does not intend to be and is not present for cross examination at a hearing, their written statement may not be used as evidence.

16. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

17. Evidentiary Considerations in the Investigation

The investigation does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

18. Referral for Hearing

Pre-referral Meeting: Once the final investigation report is shared with the parties, the Title IX Coordinator will meet with the parties to answer questions, further explain Informal Resolution options and the hearing process, discuss allowable remedies and sanctions in the event there is a final determination of responsibility and provide other relevant information. Advisors may participate in the pre-referral meeting and the parties may decline to participate without consequence or impact on their rights in the Formal Grievance Process or Adjudication Process. The discussion among the parties and Title IX Coordinator is confidential and under no circumstance will the substance of the conversation be shared with anyone involved with the Formal Grievance or Adjudication Process without express consent of the parties. By way of example only, if a negotiated resolution (with or without sanctions) is considered by the parties and Agnes Scott, neither the fact of a potential negotiated resolution nor its terms will be disclosed to anyone involved in the Formal Grievance or Adjudication Process without express consent of the parties. This and other procedures are in place to ensure that no influence is placed on the Decision-maker(s), Panel Members or Appeal Officers who must act independently and fairly based solely upon the evidence.

In the Policy Process / Adjudication Process, a hearing is in the nature of an appeal, following the

opportunity for the parties to Object to the Final Investigation Report. As explained in the corresponding **Sexual Misconduct and Other Discrimination, Harassment Policy**, the first level of Adjudication is at the completion of the investigation. The parties may accept the Final Investigation Report which includes findings, conclusions, and recommended sanctions. If the parties Object to portions or all of the Final Investigation Report, they are afforded a hearing.

Provided that the complaint is not resolved through the Pre-referral Hearing, Informal Resolution, and/or a dismissal has not occurred, the Title IX Coordinator will refer the matter for a hearing.

The hearing cannot be less than ten (10) business days from the conclusion of the investigation -when the final investigation report is transmitted to the parties and the Decision-maker-unless all parties and the Decision-maker agree to an expedited timeline.

The Title IX Coordinator will select an appropriate Decision-maker or Decision-makers from the Pool depending on whether the Respondent is an employee or a student. Allegations involving student-employees in the context of their employment will be directed to the appropriate Decision-maker depending upon the context and nature of the alleged misconduct.

19. Hearing and Decision-Maker Composition

Agnes Scott will designate a single Decision-maker *or a panel* from the Pool (internal or external), at the discretion of the Title IX Coordinator. The single Decision-maker will also Chair the hearing. With a panel, one of the panel members will be appointed as Chair or Hearing Facilitator ("Facilitator") by the Title IX Coordinator.

For purposes of responsibilities, "Chair," "Hearing Facilitator" or "Facilitator" may be used interchangeably. Any distinction in responsibility is noted.

For a hearing in the Title IX Formal Grievance Process (Regulatory Process), the college will appoint a sole external Decision-maker. The college will ensure that the sole external Decision-maker has had the requisite training and relevant experience.

The Decision-maker(s) will not have had any previous involvement with the investigation. Depending upon feasibility and availability, the Title IX Coordinator may elect to have an alternate from the Pool sit in throughout the hearing process in the event that a substitute is needed for any reason. If a member of the panel cannot complete their hearing service, and an alternate did not sit in, the panel may proceed with a reduced number even if the "panel" now consists of a single Decision-maker.

Those who have served as Investigators may be witnesses in the hearing and therefore may not serve as Decision-makers. Those who are serving as Advisors for any party may not serve as Decision-makers in that matter.

The Title IX Coordinator may not serve as a Decision-maker or Chair in the matter but may serve as an administrative facilitator of the hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role. The hearing will convene at a time determined by the Chair/Facilitator or designee.

20. Evidentiary Considerations in the Hearing

Any evidence that the Decision-maker(s) [**or Panel in an Adjudication Process*] determine(s) is relevant and credible may be considered. The hearing does not consider: 1) incidents not directly related to the possible violation, unless they evidence a pattern; 2) the character of the parties; or 3) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility, assuming Agnes Scott considers

progressive discipline in matters. This information is only considered at the sanction stage of the process and is not shared until then.

The parties may each submit a written impact statement prior to the hearing for the consideration of the Decision-maker(s) at the sanction stage of the process when a determination of responsibility is reached. [**or for the consideration of the Panel in an Adjudication Process*]

After post-hearing deliberation, the Decision-maker renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

21. Notice of Hearing

No less than ten (10) business days prior to the hearing, the Title IX Coordinator or the Chair/Facilitator will send notice of the hearing to the parties. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The notice will contain:

- A description of the alleged violation(s), a list of all policies allegedly violated, a description of the applicable procedures, and a statement of the potential sanctions/responsive actions that could result.
- The time, date, and location of the hearing and a reminder that attendance is mandatory, superseding all other campus activities.
- Any technology that will be used to facilitate the hearing.
- Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Decision-maker(s) and parties to see and hear a party or witness answering questions. Such a request must be raised with the Title IX Coordinator at least five (5) business days prior to the hearing.
- A list of all those who will attend the hearing, along with an invitation to object to any Decision-maker on the basis of demonstrated bias. This must be raised with the Title IX Coordinator at least two (2) business days prior to the hearing.
- Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- A statement that if any party or witness does not appear at the scheduled hearing, the hearing may be held in their absence, and the party's or witness's testimony and any statements given prior to the hearing will not be considered by the Decision-maker(s). For compelling reasons, the Chair/Facilitator may reschedule the hearing.
- Notification that the parties may have the assistance of an Advisor of their choosing at the hearing and will be required to have one present for any questions they may desire to ask. The party must notify the Title IX Coordinator if they do not have an Advisor, and Agnes Scott will appoint one. Each party must have an Advisor present. There are no exceptions.
- A copy of all the materials provided to the Decision-maker(s) about the matter, unless they have been provided already.^[18]
- An invitation to each party to submit to the Chair/Facilitator an impact statement pre-hearing that the Decision-maker will review during any sanction determination.
- An invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.
- Whether parties can/cannot bring mobile phones/devices into the hearing.

**Hearings requested following an Investigation in the Policy Process / Adjudication Process will*

require less notice detail than described above in accordance with the corresponding *Nondiscrimination Policy*.

Hearings for possible violations that occur near or after the end of an academic term (assuming the Respondent is still subject to this Policy) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by Agnes Scott and remain within the 60-90 business day goal for resolution.

A student facing charges under this Policy is not in good standing to graduate.

22. Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator or the Chair/Facilitator at least five (5) business days prior to the hearing.

The Title IX Coordinator or the Chair/Facilitator can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator or the Chair/Facilitator know at least five (5) business days prior to the hearing so that appropriate arrangements can be made.

23. Pre-Hearing Preparation

The Chair/Facilitator after any necessary consultation with the parties, Investigator(s) and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing, all pertinent documentary evidence, and the final investigation report to the parties at least ten (10) business days prior to the hearing.

Any witness scheduled to participate in the hearing must have been first interviewed by the Investigator(s), or have proffered a written statement or answered written questions, unless all parties and the Chair/Facilitator assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing. If the parties and Chair/Facilitator do not assent to the admission of evidence newly offered at the hearing, the Chair/Facilitator may delay the hearing and instruct that the investigation needs to be re-opened to consider that evidence.

The parties will be given a list of the names of the Decision-maker(s) **or Panel member(s)* at least five (5) business days in advance of any hearing. All objections to any Decision-maker must be raised in writing, detailing the rationale for the objection, and must be submitted to the Title IX Coordinator as soon as possible and no later than two (2) days prior to the hearing. Decision-makers will only be removed if the Title IX Coordinator concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

The Title IX Coordinator will give the Decision-maker(s) a list of the names of all parties, witnesses, and Advisors at least five (5) business days in advance of the hearing. Any Decision-maker who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties, witnesses, and Advisors in advance of the hearing. If a Decision-maker is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator as soon as possible.

During the ten (10) business day period prior to the hearing, the parties have the opportunity for continued review and comment on the final investigation report and available evidence. That review and comment can be shared with the Chair/Facilitator at the pre-hearing meeting or at the hearing and will be exchanged between each party by the Chair/Facilitator.

24. Pre-Hearing Meetings

The Chair/Facilitator *may* convene a pre-hearing meeting(s) with the parties and/or their Advisors to invite them to submit the questions or topics they (the parties and/or their Advisors) wish to ask or discuss at the hearing, so that the Chair/Facilitator can rule on their relevance ahead of time to avoid any improper evidentiary introduction in the hearing or provide recommendations for more

appropriate phrasing. However, this advance review opportunity does not preclude the Advisors from asking a question for the first time at the hearing or from asking for a reconsideration based on any new information or testimony offered at the hearing. The Chair/Facilitator must document and share with each party their rationale for any exclusion or inclusion at a pre-hearing meeting.

The Chair/Facilitator, **only** with full agreement of the parties, may decide in advance of the hearing that certain witnesses do not need to be present if their testimony can be adequately summarized by the Investigator(s) in the investigation report or during the hearing.

At each pre-hearing meeting with a party and their Advisor, the Chair/Facilitator will consider arguments that evidence identified in the final investigation report as relevant is, in fact, not relevant. Similarly, evidence identified as directly related but not relevant by the Investigator(s) may be argued to be relevant.

The Chair/Facilitator may rule on these arguments pre-hearing and will exchange those rulings between the parties prior to the hearing to assist in preparation for the hearing. The Chair/Facilitator may consult with legal counsel and/or the Title IX Coordinator or ask either or both to attend pre-hearing meetings.

The pre-hearing meeting(s) will not be recorded.

25. Hearing Procedures [Applicable for the Regulation Process and Policy Process]

At the hearing, the Decision-maker(s) has the authority to hear and make determinations on all allegations of sexual harassment, sexual misconduct and/or retaliation and may also hear and make determinations on any additional alleged policy violations that have occurred in concert with the sexual harassment, sexual misconduct and/or retaliation, even though those collateral allegations may not specifically fall within the Policy.

Participants at the hearing will include the Decision-maker, Chair/Facilitator, additional panelists (if any), the Investigator(s) who conducted the investigation, the parties or at least one organizational representative when an organization is the Respondent, Advisors to the parties, any called witnesses, and/or anyone providing authorized accommodations or assistive services. The Title IX Coordinator or designee may also attend solely to provide procedural or policy support.

The Chair or Facilitator, in consultation as necessary, will answer all questions of procedure. Anyone appearing at the hearing to provide information will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing to respond to specific questions from the Decision-maker(s) *or Panel member(s) and the parties and will then be excused.

26. Joint Hearings

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

27. The Order of the Hearing - Introductions and Explanation of Procedure

The Chair/Facilitator explains the procedures and introduces the participants. This may include a final opportunity for challenge or recusal of the Decision-maker(s) on the basis of bias or conflict of interest if new information potentially demonstrating bias has come to light. The Chair/Facilitator will rule on any such challenge unless the Chair/Facilitator is the individual who is the subject of the challenge, in which case the Title IX Coordinator will review and decide the challenge.

The Chair or hearing facilitator then conducts the hearing accordingly. At the hearing, recording,

witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process are managed by the Chair or a non-voting hearing facilitator appointed by the Title IX Coordinator. The Chair or hearing facilitator may attend to: logistics of rooms for various parties/witnesses as they wait; flow of parties/witnesses in and out of the hearing space; ensuring recording and/or virtual conferencing technology is working as intended; copying and distributing materials to participants, as appropriate, etc.

28. Investigator Presents the Final Investigation Report

Following explanation of procedures and introductions, the Investigator(s) will then present a summary of the final investigation report, including items that are contested and those that are not. The Investigator(s) summary can be brief with reference to the report for ease of the Decision-maker(s) and parties and will be subject to questioning by the Decision-maker(s) and the parties (through their Advisors). The Investigator(s) will be present during the entire hearing process, but not during deliberations.

In the Title IX Regulation / Formal Grievance Process, neither the parties nor the Decision-maker(s) should ask the Investigator(s) their opinions on credibility, recommended findings, or determinations, and the Investigators, Advisors, and parties will refrain from discussion of or questions about these assessments. If such information is introduced, the Chair will direct that it be disregarded.

**In the Non-Title IX Policy / Adjudication Process*, the Investigator may be asked about their opinions on credibility, recommended findings, or determinations.

29. Testimony and Questioning / Formal Grievance Proceeding [REGULATION PROCESS ONLY]

Once the Investigator(s) present their report and are questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant, and then in the order determined by the Chair / Facilitator. The parties/witnesses will submit to questioning by the Decision-maker(s) and then by the parties through their Advisors ("cross-examination").

All questions are subject to a relevance determination by the Decision-maker or Chair. The Advisor, who will remain seated during questioning, will pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Decision-maker or Chair upon request if agreed to by all parties and the Chair), the proceeding will pause to allow the Decision-maker or Chair to consider it (and state it if it has not been stated aloud), and the Decision-maker or Chair will determine whether the question will be permitted, disallowed, or rephrased.

The Decision-maker or Chair may invite explanations or persuasive statements regarding relevance with the Advisors, only if the Decision-maker Chair so chooses. The Decision-maker or Chair will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Decision-maker or Chair will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

The Decision-maker or Chair will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Decision-maker or Chair has final say on all questions and determinations of relevance. The Decision-maker or Chair may consult with legal counsel on any questions of relevance/admissibility. The Decision-maker or Chair may ask Advisors to frame why a question is or is not relevant from their perspective but will not entertain argument from the Advisors on relevance once the Decision-maker or Chair has ruled on a question.

If the parties raise an issue of bias or conflict of interest of an Investigator or Decision-maker at the hearing, the Chair or Facilitator may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias is not in issue at the hearing, the Decision-maker or Chair should not permit irrelevant questions that probe for bias.

30. Refusal to Submit to Cross-Examination During the Formal Grievance Proceeding [REGULATION PROCESS ONLY] and Inferences

Parties should note that their participation in the hearing and questioning at the hearing is necessary

for their statement to be considered by the Decision-maker(s). If a party or witness chooses not to submit to cross-examination at the hearing, either because they do not attend the meeting, or they attend but refuse to participate in questioning, then the Decision-maker(s) may not rely on any prior statement made by that party or witness at the hearing (including those contained in the investigation report) in the ultimate determination of responsibility. The Decision-maker(s) must disregard that statement. Evidence provided that is something other than a statement by the party or witness may be considered.

If the party or witness attends the hearing and answers some cross-examination questions, only statements related to the cross-examination questions they refuse to answer cannot be relied upon. However, if the statements of the party who is refusing to submit to cross-examination or refuses to attend the hearing are the subject of the allegation itself (e.g., the case is about verbal harassment or a quid pro quo offer), then those statements are not precluded from admission. Similarly, statements can be relied upon when questions are posed by the Decision-maker(s), as distinguished from questions posed by Advisors through cross-examination.^[19]

The Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions. The college may still proceed with the live hearing in the absence of a party and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a "statement" by the party. (see 85 Fed. Reg. 30026, 30361 May 19, 2020).

If charges of policy violations other than sexual harassment are considered at the same hearing, the Decision-maker(s) may consider all evidence it deems relevant, may rely on any relevant statement as long as the opportunity for cross-examination is afforded to all parties through their Advisors, and may draw reasonable inferences from any decision by any party or witness not to participate or respond to questions.

If a party's Advisor of choice refuses to comply with Agnes Scott's established rules of decorum for the hearing, Agnes Scott may require the party to use a different Advisor. If a recipient-provided Advisor refuses to comply with the rules of decorum, Agnes Scott may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

31. Recording Hearings

Hearings (but not deliberations) are recorded by Agnes Scott for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Decision-maker(s), the parties, their Advisors, and appropriate administrators of Agnes Scott will be permitted to listen to the recording in a controlled environment determined by the Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Title IX Coordinator.

32. Deliberation, Decision-making, and Standard of Proof

The Decision-maker(s) will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. If a panel is used, a simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. If the Chair is a member of the Panel or a Decision-maker, the Chair will participate in deliberations. The Hearing Facilitator may attend deliberations but is there only to facilitate procedurally, not to address the substance of the allegations.

When there is a finding of responsibility on one or more of the allegations, the Decision-maker(s) may then consider the previously submitted party impact statements in determining appropriate sanction(s).

The Chair/Facilitator or Title IX Coordinator (or designee) will ensure that each of the parties has an opportunity to review any impact statement submitted by the other party(ies). The Decision-maker(s) may - at their discretion - consider the statements, but they are not binding.

The Decision-maker(s) or Panel will review the statements and any pertinent conduct history provided by appropriate conduct/discipline administrator and will determine the appropriate sanction(s)[in consultation with other appropriate administrators, as necessary].

The Decision-maker(s) or Chair/Facilitator will then prepare a written deliberation statement and deliver it to the Title IX Coordinator, detailing the determination, rationale, the evidence used in support of its determination, the evidence not relied upon in its determination, credibility assessments, and any sanctions.

This report is typically three (3) to five (5) pages in length and must be submitted to the Title IX Coordinator within two (2) business days of the end of deliberations, unless the Title IX Coordinator grants an extension. If an extension is granted, the Title IX Coordinator will notify the parties.

33. Notice of Outcome

Using the deliberation statement, the Title IX Coordinator will work with the Chair/Facilitator (or designee) to prepare a Notice of Outcome. The Notice of Outcome may be reviewed by outside legal counsel. The Title IX Coordinator will then share the letter, including the final determination, rationale, and any applicable sanction(s) with the parties and their Advisors within five (5) business days of receiving the Decision-maker(s)' deliberation statement.

The Notice of Outcome will then be shared with the parties simultaneously. Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Agnes Scott records, or emailed to the parties' Recipient-issued email or otherwise approved account. Email will be the preferred means of communication. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The Notice of Outcome will articulate the specific policy(ies) reported to have been violated, including the relevant policy section, and will contain a description of the procedural steps taken by Agnes Scott from the receipt of the misconduct report to the determination, including any and all notifications to the parties, interviews with parties and witnesses, site visits, methods used to obtain evidence, and hearings held.

The Notice of Outcome will specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; a statement of, and rationale for, the result of each allegation to the extent Agnes Scott is permitted to share such information under state or federal law; any sanctions issued which Agnes Scott is permitted to share according to state or federal law; and any remedies provided to the Complainant designed to ensure access to Agnes Scott's educational or employment program or activity, to the extent Agnes Scott is permitted to share such information under state or federal law (this detail is not typically shared with the Respondent unless the remedy directly relates to the Respondent).

The Notice of Outcome will also include information on when the results are considered by Agnes Scott to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

34. Rights of the Parties

The extensive rights of the Parties are stated throughout this detailed Policy.

35. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the sexual harassment and/or

retaliation

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

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

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

a. Student Sanctions

The following are the usual sanctions^[20] that may be imposed upon students or organizations singly or in combination:

- *Warning:* A formal statement that the conduct was unacceptable and a warning that further violation of any Agnes Scott policy, procedure, or directive will result in more severe sanctions/responsive actions.
- *Required Counseling:* A mandate to meet with and engage in either Recipient-sponsored or external counseling to better comprehend the misconduct and its effects.
- *Probation:* A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact orders, and/or other measures deemed appropriate.
- *Suspension:* Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Recipient. [insert transcript notation here if applicable].
- *Expulsion:* Permanent termination of student status and revocation of rights to be on campus for any reason or to attend Recipient-sponsored events. This sanction will be noted permanently as a Conduct Expulsion on the student's official transcript [subject to any applicable expungement policies.]
- *Temporary Delay of Diploma:* Agnes Scott may temporarily delay the provision of a student's diploma for a limited period of time to enable expedited completion of a Formal Grievance Process if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- *Revocation of Degree:* Agnes Scott reserves the right to revoke a degree previously awarded from Agnes Scott for fraud, misrepresentation, and/or other violation of Agnes Scott policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- *Organizational Sanctions:* Deactivation, loss of recognition, loss of some or all privileges (including Agnes Scott registration) for a specified period of time.
- *Other Actions:* In addition to or in place of the above sanctions, Agnes Scott may assign any other sanctions as deemed appropriate.

b. Employee Sanctions/Responsive Actions

Responsive actions for an employee who has engaged in harassment and/or retaliation include:

- *Warning - Verbal or Written*
- *Performance Improvement Plan/Management Process*
- *Enhanced supervision, observation, or review*
- *Required Counseling*
- *Required Training or Education*
- *Probation*
- *Denial of Pay Increase/Pay Grade*
- *Loss of Oversight or Supervisory Responsibility*
- *Demotion*
- *Transfer*
- *Reassignment*
- *Delay of tenure track progress*
- *Assignment to new supervisor*
- *Restriction of stipends, research, and/or professional development resources*
- *Suspension with pay*
- *Suspension without pay*
- *Termination*
- *Other Actions:* In addition to or in place of the above sanctions/responsive actions, Agnes Scott may assign any other responsive actions as deemed appropriate.

36. Withdrawal or Resignation While Charges Pending

a. Students: If allegations are pending against a student, or during an ongoing Formal Grievance Process, Agnes Scott may place a hold on a student's ability to graduate and/or to receive an official transcript/diploma.

Should a student decide to not participate in the resolution process but not withdraw, the process proceeds absent their participation to a reasonable resolution. If a student permanently withdraws with an allegation pending, the resolution process ends as Agnes Scott no longer has disciplinary jurisdiction over the withdrawn student.

However, Agnes Scott will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged sexual harassment and/or retaliation. The student who withdraws or leaves while the process is pending may not return to Agnes Scott. Such exclusion applies to all campuses of Recipient. A hold will be placed on their ability to be readmitted. They may also be barred from Agnes Scott property and/or events.

If the student Respondent only withdraws or takes a leave for a specified period of time (e.g., one semester or term), the resolution process may continue remotely and that student is not permitted to return to Agnes Scott unless and until all sanctions have been satisfied.

b. Employees: Should an employee Respondent resign with unresolved allegations pending, the resolution process ends, as Agnes Scott no longer has disciplinary jurisdiction over the resigned employee.

However, Agnes Scott will continue to address and remedy any systemic issues, variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or retaliation.

The employee who resigns with unresolved allegations pending is not eligible for rehire with Agnes Scott, and the records retained by the Title IX Coordinator will reflect that status.

All Agnes Scott responses to future inquiries regarding employment references for that individual may include that the former employee is not eligible for rehire and/or that they resigned during a pending disciplinary matter.

37. Appeals

Any party may file a request for appeal ("Request for Appeal"), but it must be submitted in writing to the Title IX Coordinator within five (5) days of the delivery of the Notice of Outcome.

The Title IX Coordinator will designate a single Appeal Officer. No Appeal Officer will have been involved in the process previously, including any dismissal appeal that may have been heard earlier in the process.

The Request for Appeal will be forwarded to the Appeal Officer first for consideration to determine if the request meets the grounds for appeal (a Review for Standing).

This review is not a review of the merits of the appeal, but solely a determination as to whether the request meets the grounds and is timely filed.

a. Grounds for Appeal

Appeals are limited to the following grounds:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, Investigator(s), or Decision-maker(s) / Panel Member(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the specific Complainant or Respondent that affected the outcome of the matter.

If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeal Officer and the parties and their Advisors will be notified in writing of the denial and the rationale.

If any of the grounds in the Request for Appeal meet the grounds in this Policy, then the Appeal Officer (or designee) will notify the other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s).

The other party(ies) and their Advisors, the Title IX Coordinator, and, when appropriate, the Investigators and/or the original Decision-maker(s) will be emailed and/or provided a hard copy of the request with the approved grounds and then be given three (3) business days to submit a response to the portion of the appeal that was approved that involves them. All responses will be forwarded by the Decision-maker (or designee) to all parties for review and comment.

The non-appealing party (if any) may also choose to raise a new ground for appeal at this time. If so, that will be reviewed to determine if it meets the grounds in this Policy by the Appeal Officer and either denied or approved. If approved, it will be forwarded to the party who initially requested an appeal, the Investigator(s) and/or original Decision-maker(s), as necessary, who will submit their responses in three (3) business days, which will be circulated for review and comment by all parties.

Neither party may submit any new requests for appeal after this time period. The Appeal Officer

will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses and the Appeal Officer will render a decision in no more than five (5) business days, barring exigent circumstances. All decisions will apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, any sanctions that may result which Agnes Scott is permitted to share according to state or federal law, and the rationale supporting the essential findings to the extent Agnes Scott is permitted to share under state or federal law.

Notification will be made in writing and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official institutional records, or emailed to the parties' Recipient-issued email or otherwise approved account. Once mailed, emailed and/or received in-person, notice will be presumptively delivered.

b. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing are stayed during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

If any of the sanctions are to be implemented immediately post-hearing, but pre-appeal, then emergency removal procedures (detailed above) for a hearing on the justification for doing so must be permitted within 48 hours of implementation.

Agnes Scott may still place holds on official transcripts, diplomas, graduations, and course registration pending the outcome of an appeal when the original sanctions included separation.

c. Appeal Considerations

- Decisions on appeal are to be deferential to the original decision, making changes to the finding only when there is clear error and to the sanction(s)/responsive action(s) only if there is a compelling justification to do so.
- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation or record of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for the Appeal Officer(s) to substitute their judgment for that of the original Decision-maker(s) merely because they disagree with the finding and/or sanction(s).
- The Decision-maker(s) may consult with the Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Decision-maker(s) for reconsideration. Other appeals may be remanded at the discretion of the Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing).
- In rare cases where a procedural or substantive error cannot be cured by the original Decision-maker(s) (as in cases of bias), the appeal may order a new hearing with a new Decision-maker(s).
- The results of a new hearing can be appealed, once, on any of the three available appeal grounds.
- In cases in which the appeal results in reinstatement to Agnes Scott or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status,

recognizing that some opportunities lost may be irreparable in the short term.

38. Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator may implement additional long-term remedies or actions with respect to the parties and/or the campus community that are intended to stop the sexual harassment, *sexual misconduct* and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling and health services
- Referral to the Employee Assistance Program
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent alteration of work arrangements for employees
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Provision of transportation accommodations
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

At the discretion of the Title IX Coordinator, certain long-term support or measures may also be provided to the parties even if no policy violation is found.

When no policy violation is found, the Title IX Coordinator will address any remedies owed by Agnes Scott to the Respondent to ensure no effective denial of educational access.

Agnes Scott will maintain the privacy of any long-term remedies/actions/measures, provided privacy does not impair Agnes Scott's ability to provide these services.

39. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the final Decision-maker(s) (including Appeal Officers(s)).

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from Agnes Scott and may be noted on a student's official transcript.

A suspension will only be lifted when compliance is achieved to the satisfaction of the Title IX Coordinator.

40. Recordkeeping

Agnes Scott will maintain for a period of at least seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
2. Any disciplinary sanctions imposed on the Respondent;
3. Any remedies provided to the Complainant designed to restore or preserve equal access to Agnes Scott's education program or activity;
4. Any appeal and the result therefrom;
5. Any Informal Resolution and the result therefrom;

6. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. Agnes Scott will make these training materials publicly available on Agnes Scott's website. and
7. Any actions, including any supportive measures (unless the Complainant objects), taken in response to a report or formal complaint of sexual harassment, including:
 1. The basis for all conclusions that the response was not deliberately indifferent;
 2. Any measures designed to restore or preserve equal access to Agnes Scott's education program or activity; and
 3. If no supportive measures were provided to the Complainant, reasons why such a response was not clearly unreasonable in light of the known circumstances.

Agnes Scott will also maintain any and all records in accordance with state and federal laws.

41. Disabilities Accommodations in the Resolution Process

Agnes Scott is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to Agnes Scott's resolution process.

Anyone needing such accommodations or support should contact the Office of Academic Accessibility or Karen Gilbert, Associate Vice President for People and Culture (if an employee), who will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

42. Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) addressing Sexual Harassment and retaliation as interpreted under the Title IX Regulations and will be reviewed and updated by the Title IX Coordinator as needed.

For Sexual Misconduct not covered by Title IX and its implementing regulations, this Policy and procedures will work in concert with the corresponding **Sexual Misconduct and Other Discrimination, Harassment Policy.*

Agnes Scott reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the Regulation Process *or the Policy Process*, the Title IX Coordinator may make minor modifications to procedures that do not materially jeopardize the fairness owed to any party, such as to accommodate summer schedules. The Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change - or court decisions alter - the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

This document does not create legally enforceable protections beyond the protection of the background state and federal laws which frame such policies and codes, generally.

This Policy and procedures are effective August 14, 2020.

**THIS POLICY WAS ADAPTED FROM AN ATIXA MODEL
ATIXA 2020 MODEL SEXUAL HARASSMENT POLICIES AND**

PROCEDURES

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[1] The Agnes Scott College "Sexual Misconduct and Other Discrimination, Harassment Policy" ("Nondiscrimination Policy") governs all forms of prohibited discrimination, harassment, and violence. The Nondiscrimination Policy also specifically governs gender-based misconduct that does not fall within Title IX Regulation jurisdiction. ("Sexual Misconduct")

[2] For the purpose of this policy, Agnes Scott defines "student" as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with the Agnes Scott.

[3] EEOC has jurisdiction over Title VII and Title IX employment claims. Please consult: <http://www.eeoc.gov/field/index.cfm> to locate your local office's contact info.

[4] For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of Agnes Scott employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in Agnes Scott's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in Agnes Scott's Student Records Policy. The privacy of employee records will be protected in accordance with People and Culture policies. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. Agnes Scott has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see pages 18-19 below. When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clergy Act. Other information may be shared as required by law.

[5] Implicitly or explicitly.

[6] Unwelcomeness is subjective and determined by the Complainant (except when the Complainant

is younger than the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

[\[7\]](#) Sexual acts include:

Forcible Rape:

- Penetration,
- no matter how slight,
- of the vagina or anus with any body part or object, or
- oral penetration by a sex organ of another person,
- without the consent of the Complainant.

Forcible Sodomy:

- Oral or anal sexual intercourse with another person,
- forcibly,
- and/or against that person's will (non-consensually), or
- not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age[#] or because of temporary or permanent mental or physical incapacity.

Sexual Assault with an Object:

- The use of an object or instrument to penetrate,
- however slightly,
- the genital or anal opening of the body of another person,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

Forcible Fondling:

- The touching of the private body parts of another person (buttocks, groin, breasts),
- for the purpose of sexual gratification,
- forcibly,
- and/or against that person's will (non-consensually),
- or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

[\[8\]](#) This would include having another person touch you sexually, forcibly, or without their consent.

[\[9\]](#) This definition set is not taken from SRS/NIBRS verbatim. Non-material revisions include: Complainant has been substituted for "victim," references to his/her have been removed, "private

body parts" has been defined, the unnecessary term "unlawfully" has been removed, and, language clarifying that Agnes Scott interprets "against the person's will" to mean "non-consensually" has been added.

[10] Georgia law does not define consent but defines "without consent" as a circumstance in which "a person whose concurrence is required has not, with knowledge of the essential facts, voluntarily yielded to the proposal of the accused or of another." The state law definition of lack of consent, which is applicable to criminal prosecutions for sex offenses in Georgia but may differ from the definition used on campus to address policy violations. This distinction is included for Clery/VAWA Sec. 304 compliance purposes.

[11] VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

[12] Anywhere this procedure indicates "Title IX Coordinator," Agnes Scott may substitute a trained designee.

[13] If circumstances require, the President or Title IX Coordinator will designate another person to oversee the process below should an allegation be made about the Coordinator or the Coordinator be otherwise unavailable or unable to fulfill their duties.

[14] These dismissal requirements are mandated by the 2020 Title IX Regulations, 34 CFR §106.45.

[15] Such a Complainant is still entitled to supportive measures, but the formal grievance process is not applicable.

[16] This could include an attorney, advocate, or support person. The law and policy permits one Advisor for each party (witnesses are not entitled to Advisors within the process, though they can be advised externally).

[17] "Available" means the party cannot insist on an Advisor who simply doesn't have inclination, time, or availability. Also, the Advisor cannot have institutionally conflicting roles, such as being a Title IX administrator who has an active role in the matter, or a supervisor who must monitor and implement sanctions.

[18] The final investigation report may be shared using electronic means that preclude downloading, forwarding, or otherwise sharing.

[19] Noted in the preamble (p. 30349 and pg. p. 1214 of the 2083 pg. version) to the Title IX regulations.

[20] Agnes Scott policies on transcript notation will apply to these proceedings.

1-14. Staff Grievance Procedure

Agnes Scott College recognizes that from time to time staff members may experience problems or have conflicts or concerns related to their employment with the college. These procedures are intended to provide a fair internal process for resolving workplace complaints (other than discrimination or harassment). This policy applies to all staff employees (non-faculty) except those covered by a collective bargaining agreement, who must refer to the process called for in their union contract to resolve grievances. This policy applies to grievances when both the complainant and respondent are staff members and when a staff member is the complainant and the respondent is a faculty member. It does not apply when both complainant and respondent are faculty or when the complainant is a faculty member and the respondent is a staff member (the faculty process applies in these cases). Complaints involving students are handled through the student conduct process.

This policy is not intended to replace or change the college's position as an "At Will" employer in the State of Georgia. This policy provides a means for grievance resolution, but not a guarantee of employment with Agnes Scott College. Not all situations where there is a difference of opinion between manager and employee are necessarily suitable for resolution under this process.

Retaliation against any employee who exercises their rights under this policy is prohibited. Any employee who penalizes or retaliates against another employee for exercising their rights will be subject to disciplinary action.

- This procedure applies to all grievable events which involve the work conditions and relationships within a department, and/or the interpretation and application to individuals of general employment policies and procedures.
- The actual terms of employment policies and employee benefit plans are not matters to be covered by this procedure. Where a question exists as to whether a particular matter is covered by this procedure, the Associate Vice President for People & Culture will make a determination and when necessary, refer the matter to the Vice President of the division in which the complainant works for determination.
- Application of the procedure will be denied only where the matter is not a grievable issue or is one in which the grievant has no direct interest, or in other circumstances in which the use of this procedure would clearly limit or undermine its effectiveness as a means for review and appeal of a staff member's grievance.
- The grievance procedure is not available to new staff during any designated introductory/probationary period or, in the absence of such period designation, during the first three (3) months of employment.
- Voluntary resignations or involuntary terminations are not subject to the grievance procedure.
- A decision issued at any one step of the procedure will be final and binding for that grievance unless the grievant initiates an appeal to the next step.
 - In the event that an employee does not receive a decision within the prescribed time limits, the failure to respond by the college will be considered a denial of the grievance and they may proceed to the next step.
 - However, the time limits described in any step may be extended by mutual consent between the parties concerned. Written responses by any of the concerned parties will be considered submitted on the date of electronic transmission. If written responses are mailed to the Associate Vice President for People & Culture, the submission date will be the date of postmark. .

Steps in the Grievance Procedure

- The first two steps in this grievance procedure are informal efforts to resolve problems where they arise and with the parties directly involved; the third step provides a means of further review and consultation with the Office of People & Culture by the Associate Vice President for People & Culture in collaboration with the respective division Vice President.

- The staff member may be accompanied by another individual for purposes of support at Step 3 of this procedure. The staff member must include the name of that individual in the written requests submitted to the Associate Vice President for People & Culture. Attorney representation and legal participation is not permitted during this internal process.
- An employee will follow the steps in the order described below; however, the Office of People & Culture may be contacted directly if, for the particular grievance, it seems inappropriate to discuss the problem with the supervisor or department head. Also, the Office of People & Culture may be contacted at any time for additional information, guidance, or assistance in interpreting any part of this grievance procedure.

STEP 1

- Within **14** days of the incident or action causing the problem, the employee will discuss the complaint with their immediate supervisor who, in some cases, will be the department head.
- The supervisor will attempt an amicable resolution and provide the grievant with a brief written summary of the problem and a response to it within five (5) days following the meeting. (If the immediate supervisor is the department head, the next step in this procedure is Step 3; otherwise, Step 2 applies.)

STEP 2

- If the supervisor's efforts and reply does not resolve the problem to the employee's satisfaction, they may submit a written description of the complaint to the department head within five (**5**) days from the date of the supervisor's written response.
- The department head will discuss the situation with the staff member(s), attempt a resolution, and will provide the grievant with a written response within seven (**7**) days following receipt of the written description of the complaint.

STEP 3

- If the department head's efforts and response does not resolve the problem to the employee's satisfaction, they may request that the complaint be reviewed by the Associate Vice President for People & Culture in consultation with the respective division Vice President (unless the complaint is against the Vice President, in which case the Assoc. VP of P&C would consult with another division Vice President).

This review request must be submitted in writing to the Associate Vice President for People & Culture with a copy to the division Vice President within seven (**7**) days from the date of the department head's written response. The written request must detail the complaint and the efforts at resolution. The Associate Vice President will attempt to resolve the problem in consultation with the division Vice President with all parties concerned within **14** days following receipt of the grievance. This will be the final attempt at resolution with no further appeals.

Approved by President Leocadia I. Zak 11/3/2020

Section 2 - Operational Policies

2-1. Employee Classifications

For purposes of this handbook, all employees fall within one of the classifications below.

Full-Time Employees - Employees who regularly work at least 35 hours per week who were not hired on a short-term basis.

Part-Time Employees - Employees who regularly work fewer than 35 hours per week who were not hired on a short-term basis.

Short-Term Employees - Employees who were hired for a specific short-term project, or on a short-term freelance, per diem or temporary basis. Short-Term Employees generally are not eligible for Agnes Scott College benefits, but are eligible to receive statutory benefits.

In addition to the above classifications, employees are categorized as either "**exempt**" or "**non-exempt**" for purposes of federal and state wage and hour laws. Employees classified as exempt do not receive overtime pay; they generally receive the same weekly salary regardless of hours worked. Such salary may be paid less frequently than weekly. The employee will be informed of these classifications upon hire and informed of any subsequent changes to the classifications.

2-2. Trial Period

The first six months of your employment is an introductory period. This is an opportunity for the Agnes Scott College to evaluate the employee's performance. It also is an opportunity for the employee to decide whether he or she is happy being employed by the Agnes Scott College. The Agnes Scott College may extend the introductory period if it desires. Completion of the introductory period does not alter an employee's at-will status.

2-3. Employee Service Credit

"Length of service" refers to the length of time that our employees spend as active full-time or part-time employees with Agnes Scott College. Service begins on the day you become a full-time or part-time Employee.

Length of service may be used in determining certain employee benefits, such as time-off benefits. Employees will not lose credit for service with the Agnes Scott College provided their last day of service was within 12 months days of again becoming an active employee. People and Culture will discuss this issue with any rehired employee upon hire.

2-4. Working Hours and Schedule

The normal work schedule for all staff is 8:30 a.m. to 4:30 p.m., Monday through Friday. For payroll purposes, the college's work week begins at 12:01 a.m. on Monday and continues until 12 midnight of the following Sunday.

Supervisors will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week. It is the department head's responsibility to schedule and control the hours worked and to revise work schedules consistent with department objectives and college needs.

The department head may schedule and require reasonable and necessary overtime work with reasonable notice to the employee. Non-exempt employees cannot adjust their normal work schedule without prior approval from their supervisor. Any adjustment to a normal work week must be indicated on the Monthly Leave and Work Report or Biweekly Timesheet.

Flexible scheduling, or flextime, is available in some cases to allow employees to vary their starting and ending times each day within established limits. Flextime may be possible if a mutually workable schedule can be negotiated with the supervisor involved. However, such issues as staffing needs, the employee's performance and the nature of the job will be considered before approval of flextime. Some jobs are not suited to this type of arrangement, because of the nature of the position or the hours necessary to meet the needs of the department. Employees should consult their supervisor to request participation in the flextime program and to discuss job suitability.

2-5. New Employee Orientation

Agnes Scott College seeks to help new employees feel welcome and understand their role in the operation of the college as a whole. To this end, we conduct New Employee Orientation sessions. Generally, these are held at the beginning of each semester, with the exception of the summer. During these sessions, new employees are introduced to the president and all college officers and have the opportunity to meet other individuals new to campus. It is our hope that by fostering camaraderie among new employees and introducing them to the entire campus community, they will feel welcome and valued for their contribution to the college. Because of the college's commitment to the importance of this session, attendance is mandatory.

2-6. Access to Your Employment Records

Agnes Scott College maintains a personnel file on each employee. These are official files of the college and kept in the Office of People and Culture. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals, salary increases and other employment records.

Personnel files are the property of the college, and access to the information they contain is restricted. Generally, only supervisors and administrative personnel of Agnes Scott College with a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their file should contact the Office of People and Culture. With reasonable advance notice, employees may review their personnel files in the Office of People and Culture and in the presence of an individual appointed by the college to maintain the files.

2-7. Timekeeping Procedures

All non-exempt employees, both hourly and salaried, MUST record their hours worked and special pay requests (holiday, vacation, personal, sick or overtime) on their time sheets or work reports, then sign and submit them to payroll by the fifth of the month. Exempt employees need only indicate special pay requests on their work reports.

Note: Non-exempt employees, both hourly and salaried, are expected to report both actual hours worked as well as holiday, vacation, personal or sick time for each week.

The following guidelines apply when recording and submitting timesheets or work reports to payroll.

Hourly employees must record their hours worked on time sheets or via a time clock provided for this purpose, e.g. clock in at the beginning of each workday, clock out for the meal period, clock in again after meal, and clock out at the end of the workday. If payroll does not receive a signed timesheet or electronic time clock report from an hourly employee, that employee will NOT receive a paycheck for the pay period. Once the signed timesheet is received by payroll, the employee will receive pay for the affected pay period on the following pay period.

Non exempt, salaried staff must record all hours worked and hours not worked on the Monthly Leave and Work Report form. These hours should not be in the form of total hours worked for the day ONLY, but rather specific hour format and a TOTAL for each day and each week (see below). The time the employee came in and the time the employee left for the day should be documented, as well as time that the employee went to and returned from his/her meal. Overtime hours and any variation in the normal work schedule must also be indicated on this report. If payroll does not receive a signed timesheet on a salaried, non exempt employee, the employee will receive his/her regular salary for that pay period, without any special pay (holiday, vacation, personal, sick or overtime). Once the signed timesheet is received by payroll, any adjustments will be made during the next pay period.

Example:

- Monday In 8:30 Meal 12-1 Out 4:30 Total 7
- Tuesday In 8:30 Meal 12- 1 Out 4:30 Total 7
- Wednesday In 8:30 Meal 12- 1 Out 4:30 Total 7
- Thursday In 8:30 Meal 12-1 Out 4:30 Total 7
- Friday In 8:30 Meal 12-1 Out 4:30 Total 7

- Weekly Total 35

All exempt, salaried staff must indicate hours not worked, such as sick leave, vacation, personal leave, family and medical leave, holidays, etc., on the Monthly Leave and Work Report form and turn this in to payroll by the fifth of the month. During a month in which an Exempt staff member does not have any leave time to report, a "Monthly Leave and Work Report" still must be completed and submitted to payroll.

Signed Monthly Leave and Work Reports MUST be received in payroll in Hopkins Hall, by the fifth of each month. This report should document all hours worked and special pay requests for salaried, non exempt employees for the previous month. Salaried, exempt employees do NOT need to document hours worked, but must indicate any special pay requests for the previous month or check the box indicating no special pay requests for the month.

Signed Biweekly Timesheets MUST be received in payroll in Hopkins Hall according to the annual schedule provided to supervisors. Note: Late timesheets may result in the employee not receiving a paycheck.

It is the employee's responsibility to sign time records to certify the accuracy of all time recorded. Any errors in the time record should be reported immediately to a supervisor, who will attempt to correct legitimate errors.

Altering, falsifying or tampering with time records is prohibited and subjects the employee to discipline, up to and including discharge.

2-8. Overtime

Non exempt employees are eligible for overtime pay. Non exempt employees may be hourly or salaried. The college pays 1 1/2 times an eligible employee's regular rate for hours worked over 40 in any one-work week. Holidays, vacation, personal and sick leave are not considered as work time for the purposes of calculating overtime pay. To accurately track hours worked, all non exempt employees, both hourly and salaried, must submit a signed timesheet to payroll in accordance with college policy on timesheets. Employees are expected to report actual hours worked as well as holiday, vacation, personal or sick time for each week.

Because of the business needs of the college or to accommodate individual department events, it may be necessary to schedule employees to work overtime. An employee is expected to work reasonable and necessary overtime when scheduled by the supervisor. Extra hours worked between 35 and 40 in a week are not considered overtime. Per the College Policy on work schedules, normal office hours are Monday- Friday, 8:30 a.m-4:30 p.m. (35 hours/week); however this may vary by individual department and/or the needs of the college. Salaried, non exempt employees may need to adjust their schedules to meet the needs of their department, which may necessitate working more than 35, but not more than 40 hours per week. When this happens, there will be no additional compensation. If it becomes necessary for these individuals to work more than 40 hours in any given work week, they will be compensated at the overtime rate (1 1/2 times their regular hourly rate.)

Even though an employee works more than eight hours in a work day, the supervisor may find it necessary to adjust the employee's work schedule so he or she does not work more than 40 hours in that work week. Non exempt employees should not work late, report to work early or work during their lunch periods without approval in advance by their supervisor. The supervisor should approve all schedule deviations in advance, to control department budgets and ensure department goals are met.

2-9. Safe Harbor Policy for Exempt Employees

It is Agnes Scott College's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure proper payment and that no improper deductions are made, employees must review pay stubs promptly to identify and report all errors.

Those classified as exempt salaried employees will receive a salary which is intended to compensate them for all hours they may work for Agnes Scott College. This salary will be established at the time of hire or classification as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Under federal and state law, salary is subject to certain deductions. For example, unless state law requires otherwise, salary can be reduced for the following reasons:

- full-day absences for personal reasons;
- full-day absences for sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing wage replacement benefits for such absences (deductions also may be made for the exempt employee's full-day absences due to sickness or disability before the employee has qualified for the plan, policy or practice or after the employee has exhausted the leave allowance under the plan);
- full-day disciplinary suspensions for infractions of our written policies and procedures;
- Family and Medical Leave Act absences (either full- or partial-day absences);
- to offset amounts received as payment from the court for jury and witness fees or from the military as military pay;
- the first or last week of employment in the event the employee works less than a full week; and
- any full work week in which the employee does not perform any work.

Salary may also be reduced for certain types of deductions such as a portion of health, dental or life insurance premiums; state, federal or local taxes; social security; or voluntary contributions to a 401(k) or pension plan.

In any work week in which the employee performed any work, salary will not be reduced for any of the following reasons:

- partial day absences for personal reasons, sickness or disability;
- an absence because the Agnes Scott College has decided to close a facility on a scheduled work day;
- absences for jury duty, attendance as a witness, or military leave in any week in which the employee performed any work (subject to any offsets as set forth above); and
- any other deductions prohibited by state or federal law.

However, unless state law provides otherwise, deductions may be made to accrued leave for full- or partial-day absences for personal reasons, sickness or disability.

If employees believe they have been subject to any improper deductions, they should immediately report the matter to a supervisor. If the supervisor is unavailable or if the employee believes it would be inappropriate to contact that person (or if the employee has not received a prompt and fully acceptable reply), they should immediately contact Director of Payroll or any other supervisor in Agnes Scott College with whom the employee feels comfortable.

2-10. Your Paycheck

Administrative staff and faculty are paid monthly. Payday is the last working day of the month. Union staff and hourly employees are paid bi weekly. Bi weekly payday is every other Friday, and checks are issued by noon. Should payday fall on a holiday or when the college is closed, paychecks will be issued on the last working day prior to the holiday.

Payroll stubs itemize deductions made from gross earnings. By law, Agnes Scott College is required to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions also may include any court-ordered garnishments. Payroll stubs also will differentiate between regular pay received and overtime pay received.

If there is an error in an employee's pay, the employee should bring the matter to the attention of the Payroll Manager immediately so the college can resolve the matter quickly and amicably.

2-11. Administrative Pay Corrections

Agnes Scott College takes all reasonable steps to ensure employees receive the correct amount of pay in each paycheck and are paid promptly on the scheduled payday.

In the unlikely event there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the payroll manager so corrections can be made as quickly as possible.

2-12. Direct Deposit

All employees are highly encouraged to participate in the automatic payroll deposit service, which provides for the direct deposit of pay to a participating bank. Employees interested in direct deposit should complete an Electronic Direct Deposit Request Form, available in the Office of People and Culture. This form allows the employee to electronically deposit into two different accounts. Please provide a voided check or deposit slip for each account to be included in this service in order for the college to accurately deposit payment.

2-13. Salary Advances

Agnes Scott College does not permit advances on paychecks or against accrued paid time off. Union staff may receive vacation advance per the Labor's International Union of North America contract. Advance notice to the college is required.

2-14. Performance Review

Depending on the employee's position and classification, Agnes Scott College endeavors to review performance annually. However, a positive performance evaluation does not guarantee an increase in salary, a promotion or continued employment. Compensation increases and the terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the discretion of management.

In addition to these formal performance evaluations, Agnes Scott College encourages employees and supervisors to discuss job performance on a frequent and ongoing basis. Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths and discuss positive, purposeful approaches for meeting goals.

The performance of all employees is generally evaluated according to an ongoing 12-month cycle. Each supervisor shall conduct a performance review on an annual basis and discuss the evaluation with the employee. The employee must sign the evaluation form and may retain a copy.

Performance reviews are an integral part of the college's people and culture program. An evaluation will provide both the college and the employee with various benefits such as those indicated in the objectives of the performance review listed below:

- to let employees know how well they are performing their job;
- to improve employee performance through counseling, which can motivate individual development;
- to provide employees deserved recognition;
- to identify additional training needs;
- to justify salary increases, transfers and promotions;
- to assist employees in their personal and professional development;
- to help employees realize their maximum potential in their job.

A supervisor should use the review process to gain a better understanding of an employee's potential and develop and train the employee for maximum use of his/her abilities.

From the employees perspective, the process demonstrates how well they are progressing and in what ways they can improve.

2-15. Compensation Philosophy

To further our mission of educating women to think deeply, live honorably and engage the intellectual and social challenges of their times, Agnes Scott College is committed to providing competitive salaries and benefits in order to attract and retain a highly qualified, diverse and productive faculty and staff. In addition, the college is committed to addressing issues of merit, compression and gender equity in its compensation policies.

The faculty of Agnes Scott plays a central role in fulfilling the college's educational mission. As dedicated teacher-scholars, they serve as intellectual guides and role models, providing students with the exciting learning opportunities both inside and outside the classroom that differentiate Agnes Scott from other colleges. Faculty members must have the academic training and credentials needed to successfully perform in the classroom as well as the motivation and desire to help students learn and grow. The college is committed to recruiting and retaining the best liberal arts faculty in the country. We use AAUP (American Association of University Professors) salary data to target competitive salaries for our faculty and have set the top quintile of IIB (baccalaureate) institutions' faculty salaries as our benchmark.

The staff of Agnes Scott plays many roles integral to the fulfillment of our mission. Staff members, including the senior officers, pursue strategic institutional goals and create and maintain the infrastructure that supports teaching, learning and scholarship. They also serve as mentors, advisers and role models to students. Like faculty members, staff members need to be among the finest in their professions. Each staff position has a natural "market" that can be used for comparison, which is defined as the market from which we recruit for that particular job. Within this market, the college strives to offer and maintain competitive salaries for all staff positions. This market competitiveness will be balanced with our commitment to offer all college employees a Living Wage, which we recognize may be above the market for some positions.

We recognize that it is the combined efforts of all employed by the college that enable Agnes Scott to maintain its reputation for excellence. In a small community, when even one faculty or staff member performs below the level needed, it affects many - and can have a direct impact on the quality of the educational experience. Therefore, our compensation system must support the hiring, retention, and professional development of excellent employees, and our culture must challenge them to contribute in meaningful ways to the mission of the college.

2-16. Job Postings

Agnes Scott College is dedicated to assisting employees in managing their careers and reaching their professional goals through promotion and transfer opportunities.

Agnes Scott College provides employees an opportunity to indicate their interest in open positions and advance within the college according to their skills and experience. In general, notices of all regular, full-time job openings are posted, though ASC reserves its discretionary right to not post a particular opening.

Job openings will be posted on the ASC Web site and will normally remain open for a minimum of three days. Each job posting notice will include the dates of the posting period, job title, department,

location, grade level, job summary, essential duties and qualifications (required skills and abilities).

To be eligible to apply for a posted job, employees must have performed competently for at least 180 calendar days in their current position. Employees who have a written warning on file or are on probation or suspension are not eligible to apply for posted jobs. Eligible employees can only apply for those posted jobs for which they possess the required skills, competencies and qualifications.

To apply for an open position, employees should submit an Employee Bid Sheet to the Office of People and Culture listing job-related skills and accomplishments and apply online. They should also describe how their current experience with ASC and prior work experience and/or education qualifies them for the position.

ASC recognizes the benefit of developmental experiences and encourages employees to talk with their supervisors about their career plans. Supervisors are encouraged to support employees' efforts to gain experience and advance within the college.

An applicant's supervisor may be contacted to verify performance, skills and attendance. Any staffing limitations or other circumstances that might affect a prospective transfer may also be discussed.

Job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring manager. Other recruiting sources may also be used to fill open positions in the best interest of the college.

ASC encourages employees to identify friends or acquaintances who are interested in employment opportunities and refer qualified outside applicants for posted jobs. Employees should obtain permission from the individual before making a referral, share their knowledge of the college and not make commitments or verbal promises of employment.

An employee should submit the referral's resume and/or completed application form to the Office of People and Culture for a posted job. If the referral is interviewed, the referring employee will be notified of the initial interview and the final selection decision.

Agnes Scott College reserves the right to seek applicants solely from outside sources or to post positions internally and externally simultaneously.

2-17. Job Descriptions

Agnes Scott College makes every effort to create and maintain accurate job descriptions for all positions within the college. Each description includes a job information section, a job summary section (giving a general overview of the job's purpose), an essential duties and responsibilities section, a supervisory responsibilities section, a qualifications section (including education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required), a physical demands section and a work environment section.

ASC maintains job descriptions to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee-performance evaluations, and establishing a basis for making reasonable accommodations for

individuals with disabilities.

The Office of People and Culture and the hiring manager prepare job descriptions when new positions are created. When existing positions are vacated, job descriptions are reviewed and revised to ensure they are up to date. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities. All employees will be expected to help ensure their job descriptions are accurate and current, reflecting the work being done.

Employees should remember job descriptions do not necessarily cover every task or duty that might be assigned and that additional responsibilities may be assigned as necessary. Contact the Office of People and Culture if you have any questions or concerns about your job description.

2-18. Telecommuting

Telecommuting is the practice of working at home or at a site near the home instead of physically traveling to a central workplace. It is a work alternative that Agnes Scott College may offer to some employees when it would benefit both the college and the employee.

Employees who believe their position is suited to exploring the possibility of telecommuting as a realistic option should submit a written request to their manager proposing how it will benefit the college and themselves. The request should explain how they will be accountable and responsible, what equipment is necessary and how communication barriers will be overcome.

The decision to approve a telecommuting arrangement will be based on factors such as position and job duties, performance history, related work skills and the impact on the college. The division vice president reviews and approves all telecommuting arrangements, informing the president. Each telecommuting arrangement will be reviewed six months from inception for continued viability.

The employee's compensation, benefits, work status, work responsibilities, and the amount of time the employee is expected to work per day or per pay period will not change because of participation in the telecommuting program (unless otherwise agreed upon in writing).

The employee's at-home work hours will conform to a schedule agreed upon by the employee and his or her supervisor. If such a schedule has not been agreed upon, the employee's work hours will be assumed to be the same as they were before telecommuting. Changes to this schedule must be reviewed and approved in advance by the employee's supervisor.

Telecommuting is an alternative method of meeting the needs of the college and is not a universal employee benefit. As such, Agnes Scott has the right to refuse to make telecommuting available to an employee and to terminate a telecommuting arrangement at any time.

2-19. Emergency Closings

At times, emergencies such as severe weather, fires, power failures or earthquakes can disrupt college operations. In extreme cases, these circumstances may require the closing of the college. In the event such an emergency occurs during nonworking hours, local radio and/or television stations will be asked to broadcast notification of the closing. The College's Emergency Notification System will also be activated.

If the college is officially closed during severe weather or other emergencies, members of the

administrative staff and support staff will not be expected to come to the campus and absences will not be counted against accrued vacation time. Full-time, hourly employees will only be paid if the school is closed on a day that is their normal work day.

If the college is officially open during severe weather or other emergency and staff employees decide it is unsafe to travel from their particular locations, they have the option of working on a designated make up Saturday following their absence or of having their absence counted as a day of vacation. Staff members should work with their supervisor to determine the best time to make up for their absence.

If, for reasons of safety during severe weather, staff members decide to delay their arrival on campus or to leave campus before the regular closing hour, it should be with the approval of their supervisor. Employees have the option of making up hours missed at a time approved by their supervisor or of having these hours counted against their accrued vacation.

Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, their supervisor may adjust their work schedule (within the same pay period) to recognize the additional hours worked.

The Agnes Scott College Emergency Notification System is a method to effectively communicate emergency information to a large number of people at virtually the same time. It allows the college to contact the community in the event of an emergency by sending messages via:

- Text message
- Voice message (mobile or land-line)
- Email

When an emergency occurs that requires Agnes Scott College community attention or action, the emergency notification system will be activated and you will be notified by the methods noted above using the personal information you have provided. The system will never be used to send non-emergency, routine or spam messages. It is imperative that your contact information is accurate and up to date in order for you to receive emergency notifications.

- Students can update their information through the Registrar's Office.
- Faculty and Staff members can update their information through People and Culture.

2-20. Identification Cards

Employees are required to have a valid identification card. ID cards are used in many of Agnes Scott's facilities/services. They also assist Public Safety in safeguarding the Agnes Scott community and its property.

A new employee should pick up an ID authorization in the Office of People and Culture. She/he should then proceed to the Office of Information Technology - Telecommunications Department, located in Walters Hall, Room G-4 to have a picture taken and the ID card process completed.

A returning employee with an ID card must have it validated annually in the Office of Information

Technology, Telecommunications Department.

If you have lost your ID card or have any questions, call the Office of Telecommunications at ext. 6490. There is a \$15 fee for replacement of ID cards.

2-21. Guidelines for the Agnes Scott Brand

Agnes Scott College has developed guidelines for the appropriate use of the college's logo and seal. These guidelines cover the use of the logo on publications, signage and specialty items such as T-shirts, coffee mugs, etc. The Office of Communications maintains the Graphic Identity Standards guidelines and offers design assistance to academic departments and administrative offices interested in developing publications and other materials that utilize the college's logo and seal. For a copy of the graphic standards, visit the Office of Communications and Marketing section of the college's website at: agnesscott.edu/mpr/brand-guidelines.

The college's name, logo and seal are protected service marks of Agnes Scott College. For design assistance in creating publications, specialty items, etc. or for questions about appropriate use of the college's name, logo or seal, contact the Office of Communications and Marketing.

2-22. Travel Time for Non-Exempt Employees

Overnight, Out-of-Town Trips

Non-exempt employees will be compensated for time spent traveling (except for meal periods) during their normal working hours, on days they are scheduled to work and on unscheduled work days (such as weekends). Non-exempt employees also will be paid for any time spent performing job duties during otherwise non-compensable travel time; however, such work should be limited absent advance management authorization.

Out-of-Town Trips for One Day

Non-exempt employees who travel out of town for a one-day assignment will be paid for all travel time, except for, among other things: (i) time spent traveling between the employee's home and the local railroad, bus or plane terminal; and (ii) meal periods.

Local Travel

Non-exempt employees will be compensated for time spent traveling from one job site to another job site during a workday. The trip home, however, is non-compensable when an employee goes directly home from his/her final job site, unless it is much longer than his/her regular commute home from the regular worksite. In such case, the portion of the trip home in excess of the regular commute is compensable.

Commuting Time

Under the Portal to Portal Act, travel from home to work and from work to home is generally non-compensable. However, if a non-exempt employee regularly reports to a worksite near his/her home, but is required to report to a worksite farther away than the regular worksite, the additional time spent traveling is compensable.

If compensable travel time results in more than 40 hours worked by a non-exempt employee, the

employee will be compensated at an overtime rate of one and one-half times the regular rate.

To the extent that applicable state law provides greater benefits, state law applies.

2-23. Charitable Contributions From College Funds

As a non-profit, Agnes Scott College does not make contributions from operating funds to other non-profit organizations. The college may make an exception and become an institutional sponsor of specific organizations. Any other exceptions to this policy must have the approval of the president.

Questions about this policy should be directed to the Office of the President.

2-24. Student Employment

Agnes Scott College students are employed by the college in various ways across the campus. Most often their positions are approved through the Office of Financial Aid for the College Work Study Program. Occasionally, students will occupy a position funded through a specific department or division budget or through a research grant. In any case, the student may not work more than 19 hours per week during an academic session. It is the supervisor's responsibility to ensure the student does not exceed the 19 hour limit.

You may contact the Office of People and Culture to discuss student help between semesters or during academic breaks. All student help of this type is contingent upon available funds within departmental budgets.

A student's employment, though important, is secondary to her pursuit of an education through Agnes Scott College. For that reason, full-time Agnes Scott students may not be hired for full-time positions within the college. Part-time students meeting the qualifications for the job may, in certain situations, be considered. However, they must make an appointment with the Dean of Students prior to applying for a position. Questions about the hiring of students should be directed to the Office of the Dean of Students. Questions regarding eligibility for College Work Study or financial aid should be directed to the Office of Financial Aid.

When possible, staff members are encouraged to mentor students and help acquaint them with professional on-the-job behavior. The student employee should be given duties and responsibilities specific to the position for which she has been hired. This is done in the form of a job description. Performance standards should be assigned and feedback relative to the student's ability to meet those standards should be given. The Office of Financial Aid encourages a performance review for each student placed through the College Work Study Program.

If a student must be absent because of illness or pressing academic matters, the supervisor may request the student make up the hours at another time. If a student performs unsatisfactorily, the supervisor must make the student aware of her shortcomings and follow corrective action procedures. In certain situations, the student may be reassigned to another department.

Students are expected to adhere to the following guidelines with regard to their employment:

Punctuality: Be at work when scheduled. If unable to do so, notify supervisor as soon as possible, but no later than the scheduled start time.

Professionalism: Behave in a manner consistent with the position assigned.

Phone calls: Limit personal calls. Remember that the office assigned must conduct business.

Internet access: Accessing personal e-mail and "surfing" the net are not permitted without supervisor authorization.

Homework: Ask for supervisor's permission before doing homework.

Attire: Dress appropriate to the position assigned. Consult supervisor with questions.

Confidentiality: In her capacity as an employee, the student may have access to personal or confidential information on other students or employees. Be responsible with this information.

Teamwork: Approach the job with a willing spirit. Realize that every experience encountered at Agnes Scott College is a potential learning opportunity. Approach work assignment as such.

To comply with employment law and receive a paycheck in a timely manner, the student is responsible for completing appropriate paperwork through the Office of People and Culture. This includes providing appropriate documentation for the I-9 Employment Eligibility Form and applicable federal and state income tax forms (W-4, G-4). She is also responsible for filling out her weekly timesheet, getting supervisor's approval of the timesheet and turning it into the Office of People and Culture. All supervisors should ensure students assigned to their department complete appropriate paperwork and turn in timesheets in a timely manner. Students who do not complete appropriate paperwork, or turn in timesheets in time for payroll to process, will not be paid. Questions concerning employment paperwork or timesheets may be directed to the payroll manager.

The college believes the interactions between staff and students can be extremely rewarding for both. Learning occurs both inside and outside the classroom. This employment relationship is another way in which Agnes Scott College prepares women for future achievement.

2-25. Convocation Policy

Convocations Policy

Convocations are important celebratory occasions and opportunities to gather the entire campus community. All offices and dining and other campus services are closed during Convocations so that all may participate.

The major Convocations held each year are:

Opening Convocation and Senior Investiture (formal academic procession)

Martin Luther King Jr. Convocation (formal academic procession)

Founder's Day Convocation

Student Awards Convocation

Other important campus occasions, focused on specific audiences, include:

Community Forum (staff and faculty, offices closed)

Honor Code Signing Ceremony (first-years)

Sophomore Ring Ceremony (sophomores)

Alumnae Convocation (alumnae)

Baccalaureate & Commencement (graduating seniors, formal academic procession)

Approved by President's Cabinet

February 27, 2018

2-26. Name Change Policy

Agnes Scott College recognizes that students and employees may wish to use a name other than their legal name across college systems. When requested, the college will use a chosen first name except where use of the legal first name is required by college business or legal need.

The goal of the policy is to provide Agnes Scott students and employees with a consistent experience across college systems and use of one's chosen first name wherever legal first name is not required or necessary. Agnes Scott's infrastructure is multi-faceted and complex, utilizing many software systems. While many systems already reflect a chosen first name, there are remaining systems where the implementation of chosen first name is forthcoming or where legal first name and chosen first name both appear. As systems are updated or replaced, chosen first name capabilities will be improved and implemented.

Updates to this policy will be communicated to the campus community as necessary.

How to Request a Name Change

You can request a name change by completing the Name Change Form in the following offices:

- Students, Office of the Registrar
- Employees, Office of People and Culture

Please be advised that addresses are linked to the legal name. That means any notices sent to the home address, including tax documents, tuition and other payments due to the college, etc. will bear the legal first name.

The college is required to use your legal first name for official external reports but may use the chosen first name to the extent feasible for internal identification.

Upon submission of your Name Change Form, the display option you select (see options below) will be recorded and your chosen first name, if specified, will be reviewed by the Office of the Registrar or the Office of People and Culture. Once your chosen first name is accepted, it will appear in systems identified below. If your chosen first name is not approved, your legal first name will remain the only name on your record at the college.

Examples of chosen first names that will not be approved include, but are not limited to:

- Names used for the purpose of misrepresentation
- Names containing non-alpha characters
- Names containing offensive, derogatory, discriminatory or inappropriate language

Name Display Choice Options	Examples
1. Legal First Name Only (default)	Agnes I. Scott
2. Chosen First Name Only	Irvine Scott
3. Legal First Name (Chosen First Name)	Agnes (Irvine) Scott

Based on your name display choice, Chosen First Name Only or Legal First Name (Chosen First Name) Will Be Used in the Following Circumstances.

- AscAgnes
 - Class Roster *
 - Grade Roster *
 - My Advisees *
 - Welcome! Name
- Athletic Team Roster
- Carta
- Compass
- Declining Balance
- Diploma - *students may choose their printed diploma name when submitting the graduation application.*
- Email account display name
- Graduation/Commencement Program - *unless specified otherwise on the graduation application.*
- Housing Records
- ID Card - *chosen name will appear on the front of an ID Card and legal name will appear in small print on the back of the ID Card.*
- Instructor Name on Class Search and Student Schedule
- Library Records
- Media/Public Relationship Announcements
- Moodle
- Online Directory - OPD (unless directory suppressed)
- Senior Investiture

- Unofficial/Advising Documents

Legal First Name Must Be Used in the Following Circumstances

- AscAges
 - Agnes Scott eTranscripts Online Ordering Service
 - Degree Audit
 - My Account Statement
 - My Financial Aid
 - My Profile
 - Official Class Roster
 - Pay Advices
 - Transcript Request Status
 - Time history
 - View My 1098-T Forms
 - View My 1099-MISC Info
 - W-2 Statements
- Degree Audit *
- Emergency Responder and Enforcement Systems (Police, DOS, etc.)
- Financial Aid *
- Internal systems that require and can only accommodate Legal Name
- Medical Records (Medicat and Aetna)
- NCAA Paperwork
- National Student Clearinghouse
- Network username & email address
- Responses to enrollment enquiries such as verification requests
- SEVIS and I-20
- Student Employee/Payroll Information *
- Student Financial Accounts (billing, etc.) *
- TMS
- Transcripts - *Official or Unofficial* *
- Travel paperwork
- All external communications and reporting

* Appears within AscAges

Legal Name Change

In order to change the legal name on your official college records such as transcripts and employment records, you must legally change your name. For employees, a legal name change is recognized by submitting a social security card. Students can provide passport, original court document and/or government issued visa. If you are a graduate, you can also request an updated diploma with your current legal name. Although your name will be changed on all documents, your prior name will continue to be listed as a previous identity in the college's database in order to ensure that any searches of your former name will access the correct files.

Keeping Your Identity Private - Family Educational Rights and Privacy Act (FERPA)

If you would like to prevent any of your information being released for any reason, you may opt out by completing a Total FERPA Block with the Office of the Registrar. A total FERPA block means that data from your college educational records cannot be released to anyone, including potential employers or loan companies seeking to verify your enrollment. However, a student may not be "anonymous" to other class members enrolled in the same class. College officials with a legitimate educational interest may still have access to your education record. For more information about FERPA and student records privacy, see agnesscott.edu/registrar/student-records-privacy.html.

Frequently Asked Questions

Can I provide a chosen last name?

No, your last name will continue to be your legal last name.

Can I use any chosen first name that I wish?

Refer to the How to Change Your Name section about approved chosen first name.

Can I use my chosen first name for email?

Yes and no. Yes, you can change your Display Name. No, you cannot change your email address. Please recognize that changing your email display name can have unintended consequences and result in name search failures or result in a sent message not readily being recognized as a message from you.

How long does it take for my chosen first name to appear in systems capable of displaying it?

Your request form will be processed within 5 business days and you will see the new chosen first name in some systems within 1-3 days after the form is processed. Be aware that the name change will not appear in all systems at the same time and systems that require your legal first name will continue to show your legal name. Processing time may take longer at the beginning and end of each semester as that is a busy time for the Offices of the Registrar and People and Culture.

How often can I change my chosen first name?

Currently there is no limit on how often you can change your chosen first name. HOWEVER, keep in mind that making this change can have ripple effects throughout your day-to-day experiences. Changing your chosen first name more than once per year can lead to confusion regarding your identity, result in challenges in customer service, and/or cause the interruption of your ability to access some college systems.

How does the preferred name policy affect F-1 & J-1 visa students?

Chosen first name is for use within the college community. International students may feel free to select a chosen first name for on-campus use. However, this does not apply in situations where one's legal name is required. For the purpose of F-1 or J-1 student visa status, the legal name is required on I-20s and DS-2019s. An individual's legal name is what appears in the passport.

Who should I contact if I have additional questions?

Students should contact the Office of the Registrar and employees should contact the Office of People and Culture.

If I provide a chosen name, will it be used on mailings to my parents/guardians?

Mailings to parents and guardians use the legal first name on file.

Will my professors be notified that I have a chosen first name?

After your form has been processed, the chosen first name will appear as described in the policy above. The change may take longer to appear on the some systems depending on the data updated timing.

If I have elected the chosen first name only display option, will my professor see my legal first name?

Your professor will see your legal first name as described in the "Legal First Name Must Be Used in the Following Circumstances" section.

Are staff and faculty members required to call students by their chosen first name?

Referring to students by the name they wish to be called in classrooms and when interacting with college personnel supports a respectful learning environment. Staff and faculty members will make an effort to call you by your chosen first name.

How quickly can I get my new ID card and where do I go to get a new ASC ID card?

The Office of the Registrar notifies ITS of the change. You will receive an email from ITS when your new ID card is ready. Be prepared to pay the \$15 replacement fee when you pick up your card. Also, note that if you have indicated you want to be referred to by your chosen first name, your chosen first name will appear on the front of the ID Card and your legal first name will appear on the back of the ID Card in a smaller font.

Do I have to get a new ASC ID card if I submit a Name Change Form?

No, using your chosen first name on your ASC ID card is an option, not a requirement.

Does the chosen name policy extend to all Agnes Scott employees?

Yes.

What is a legal name?

Legal name is the name that identifies a person for legal, administrative and other official purposes. A person's legal first name generally is the name of the person that was given for the purpose of registration of the birth and which then appears on a birth certificate.

What is a chosen first name?

Chosen first name is a first name you prefer to be called by others and identified by in college systems. It is different than your legal first name. A nickname is something your close friends or family may use but will not be recorded unless you specify it as your chosen first name.

Policy Clarification or Modifications: Direct to the Office of the Registrar
Approved: Cabinet, January 2019

2-27. Policy on Farewell or Retirement Celebrations

The Agnes Scott College culture values all members of our community and recognizes that departments/divisions may wish to honor employees leaving the college to take other positions or who are retiring from Agnes Scott. For this reason, the college has established this policy to provide guidelines and consistency to departments/divisions planning these celebrations.

An employee's years of service should be considered when planning these events. Also, certain types of events do **not** qualify for college-paid celebrations. Birthdays, baby showers, wedding showers, work anniversaries (other than the college-wide holiday party celebration and service anniversary gifts), farewell or retirement parties for employees with **less than 5 years of service**, farewell parties for employees moving within the college, regardless of years of service, and welcome events for new staff (below the cabinet level) are not eligible for reimbursement. These events are permissible but require funding sources other than the college budget.

Refreshment and gift costs reimbursed from college funds for farewell or retirement celebrations should not exceed the following range based on years of service:

- 5-9 years of service, \$200
- 10-20 years of service, \$300
- More than 20 years of service, \$400

If an individual, vendor or other outside organization wishes to donate or sponsor food, prizes or gifts, this donation is permissible and could potentially lessen the cost to the college for these events. Acknowledgement of external funding sources is required.

Questions about this policy should be directed to the Office of People and Culture.

2-28. Relocation and Moving Expense Guidelines

Agnes Scott College recognizes that new employees selected as the result of a national or regional search may need assistance with moving and relocation. In this case, the following guidelines apply:

- Employees must be tenure track faculty or management level and above;
- Relocation assistance will be paid as a hiring bonus and will be considered taxable income to the employee under revised IRS guidelines;
- The specifics of the relocation agreement will be detailed in the appointment letter;
- The new hire must live at least 50 miles from Decatur, GA to be eligible for this benefit and the total miles determines the amount paid (see below);
- All relocation expenses must be billed directly to and paid by the employee, not Agnes Scott College.

Schedule of total miles and relocation bonus amounts:

- Between 50 and 300 miles - \$1,000
- Over 300 but less than 1,000 miles - \$2,000

- Over 1,000 miles but less than 2,000 miles - \$3,000
- Over 2,000 miles - \$4,000

Exceptions to these guidelines must be approved by the vice president for business and finance.

2-29. Policy for Staff Teaching Courses

Premise/rationale: Full-time, 12-month, exempt staff without specific teaching requirements in their job description should not be expected to teach courses at the undergraduate or graduate level without replacement of time/duties in their job or monetary compensation. Unlike other transient changes to the duties of a staff member, teaching a course is clearly outside of their normal duties. Full-time or part-time faculty members are awarded stipends or course releases for "extra work" such as service assignments, workshop attendance, or course overloads. The college commonly hires adjunct instructors to teach courses, and if a staff member can fill these roles, the budgetary impact is negligible or non-existent. Full-time staff are currently able to teach courses at other institutions with permission of their supervisor.

Rules: To be eligible for extra compensation (time or salary) for teaching a course at Agnes Scott

1. The staff member must not have teaching as an expectation in their job description.
2. The staff member must have an appropriate terminal degree in the field of the course.
3. The staff member may only teach one course during an academic year, including the summer session.
4. There must be an established need for the course as determined by the office of the VPAA.
5. The department/program with authority over the course, the VPAA, and the staff member's supervisor must approve of the teaching assignment.
6. The course must be taught outside of normal working hours (8:30am - 4:30pm)
7. Staff will be compensated by a release in time from their normal duties equal to 5hr/wk during the semester or paid \$4,500/course. This compensation will be determined by the supervisor in consultation with the VPAA. Vice presidents and associate vice presidents are not eligible for additional compensation for teaching.

Section 3 - Benefits

3-1. Benefits Overview

Eligible employees at Agnes Scott College are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. The Office of People and Culture can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook.

The following benefit programs are available to eligible employees:

403(b) Defined Contribution Retirement Plan

Benefit Conversion at Termination

Credit Cards

Credit Union

Dental Insurance

Dining Hall Privileges

EAP - Employee Assistance Program

Educational Financial Assistance

Employee Discounts

Family Leave

Health Insurance

Holidays

Jury Duty Leave

Life Insurance

Long-Term Care Insurance

Long-Term Disability

Medical Leave

Military Leave

Parental Leave

Parking

Personal Leave



Pharmacy

Recreational Activities

Sick-Leave Benefits

Supplemental Life Insurance

Uniform and Uniform Maintenance

Vacation Benefits

Vision-Care Insurance

Voting Time Off

Some benefit programs require contributions from employees, but many are fully paid by the college. The benefit package for regular full-time employees represents an additional cost to ASC and an overall increase in total compensation. An illustration of this can be found by accessing the "Total Compensation" feature of AscAgnès.

While Agnes Scott College intends to maintain these employee benefits, it reserves the absolute right to modify, amend or terminate these benefits at any time and for any reason.

Questions about benefits may be addressed to the Office of People and Culture.

3-2. Change in Family Status

Benefits-eligible employees generally may only make changes to benefit elections during the annual Open- Enrollment period. However, there are certain situations that allow changes at other times during the year. For example, certain changes in family status, such as birth, death, marriage or divorce, may enable the employee to change benefit elections within 31 days of the qualifying event. Contact the Office of People and Culture for details.

3-3. Paid Holidays

ASC will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked that day. Eligible employee classification(s):

- Regular full-time employees
- Regular half-time employees (Half-time employees receive holiday pay on a pro-rata basis.)

To be eligible for holiday pay, employees must work the last scheduled day immediately preceding and the first scheduled day immediately following the holiday.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

If a recognized holiday falls during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid-time off benefit that would otherwise have applied.

If eligible nonexempt employees work on a recognized holiday, they will receive holiday pay plus wages at one and one-half times their straight-time rate for the hours worked on the holiday.

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

New Year's Day

Martin Luther King, Jr. Day

Spring Holiday

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Day after Thanksgiving

Christmas Eve

Christmas Day

New Year's Eve

Fall Holiday

Designated Christmas Holidays



3-4. Paid Vacations

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation and personal pursuits. Employees in the following employment classification(s) are eligible to earn and use vacation time as described in this policy:

Regular half-time employees*

Regular full-time employees

*Half-time employees earn vacation on a pro-rata basis.

Once employees enter an eligible employment classification, they begin to earn paid-vacation time according to the schedule. They can request use of vacation time after it is earned.

Vacation time off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, bonuses or shift differentials.

Vacation leave accrual is determined by an employee's length of service with the College or entry level at the time of hiring. Vacation leave is earned by full-time staff employees as follows:

Vacation rates based on 35 hour work weeks:

Vacation Rates for Grades 1-8:					
	12 Month Employees		10 Month Employees		1/2 Ti
Continuous Length of Service	Annual Vacation	Accrual Rate per Pay Period	Annual Vacation	Accrual Rate per Pay Period	Annual Vacation
1 - 5 Years	70 hours (10 Days)	5.83 hours	58.1 hours	4.84 hours	35 hours (5 Days)
5 - 10 Years	105 hours (15 Days)	8.75 hours	87.15 hours	7.26 hours	52.5 hours (7.5 Days)
10+ Years	140 hours (20 Days)	11.66 hours	116.2 hours	9.68 hours	70 hours (10 Days)

Vacation Rates for Grades 9-15:					
	12 Month Employees		10 Month Employees		1/2 Ti
Continuous Length of Service	Annual Vacation	Accrual Rate per Pay Period	Annual Vacation	Accrual Rate per Pay Period	Annual Vacation
< 5 Years	105 hours (15 Days)	8.75 hours	87.15 hours	7.26 hours	52.5 hours (7.5 Days)
5+ Years	140 hours (20 Days)	11.66 hours	116.2 hours	9.68 hours	70 hours (10 Days)

*Positions that are less than 12-month appointments (e.g. 10 months, 9 months, etc.) will result in vacation hours' accrual on a pro-rated basis.

Vacation rates based on 40 hour work weeks:

Vacation Rates for Grades 1-8:					
	12 Month Employees		10 Month Employees		1/2 Ti
Continuous Length of Service	Annual Vacation	Accrual Rate per Pay Period	Annual Vacation	Accrual Rate per Pay Period	Annual Vacation
1 - 5 Years	80 hours (10 Days)	6.67 hours	66.4 hours	5.53 hours	40 hours (5 Days)
5 - 10 Years	120 hours (15 Days)	10.00 hours	99.6 hours	8.30 hours	60 hours (7.5 Days)
10+ Years	160 hours (20 Days)	13.33 hours	132.8 hours	11.07 hours	80 hours (10 Days)
Vacation Rates for Grades 9-15:					
	12 Month Employees		10 Month Employees		1/2 Ti
Continuous Length of Service	Annual Vacation	Accrual Rate per Pay Period	Annual Vacation	Accrual Rate per Pay Period	Annual Vacation
< 5 Years	120 hours (15 Days)	10.00 hours	99.6 hours	8.30 hours	60 hours (7.5 Days)
5+ Years	160 hours (20 Days)	13.33 hours	132.8 hours	11.07 hours	80 hours (10 Days)

*Positions that are less than 12-month appointments (e.g. 10 months, 9 months, etc.) will result in vacation hours' accrual on a pro-rated basis.

Paid-vacation time can be used in minimum increments of one hour. To take vacation, employees should request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including College needs and staffing requirements.

Vacation can be taken only after it is earned. Vacation is not accrued during periods of leave or lay off. Benefits are not affected by vacation leave with pay.

As stated above, employees are encouraged to use available paid vacation time for rest, relaxation and personal pursuits. If all available vacation is not used by the end of the benefit year, employees may carry unused time forward to the next benefit year. If the total amount of unused vacation time reaches a maximum of 280 hours for employees who normally work 35 hours per week, and 320 hours for employees who normally work 40 hours per week, further vacation accrual will stop. When the employee uses paid vacation time and brings the available amount below the maximum, vacation accrual will begin again.

Vacation leave customarily is used for vacation. It may also be used for:

religious observance

adverse weather

sick leave (whether or not earned sick leave has been exhausted)

medical or dental appointments

family and medical leave

other personal reasons

Employees are expected to use accrued vacation time during the period of their employment.

Vacation must be indicated on the Monthly Leave and Work Report or Biweekly Timesheet.

Upon termination of employment, employees will be paid for unused vacation time (not to exceed 140 hours) that has been earned through the last day of work.

3-5. Paid Personal Days

Personal Leave is granted to employees and may be used for any reason, including emergencies. Employees in the following employment classification(s) are eligible to earn and use Personal Time as described in this policy:

Regular full-time employees working 12-months per year

Regular half-time employees working 12-months per year

Personal leave is granted at the beginning of each fiscal year (July 1). Upon initial eligibility the employee is entitled to three days each year. Leave is pro-rated for newly hired, eligible employees.

Personal leave can be used in minimum increments of one hour (with the exception of Union employees, who must use it in increments of one day). Employees who have an unexpected need to be absent from work should notify their direct supervisor at least 24 hours in advance, if possible. In the case of an emergency, notice should be given as soon as possible. The direct supervisor must also be contacted on each additional day of unexpected absence.

To schedule planned personal leave, employees should request approval in advance from their supervisor. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

Personal leave is paid at the employee's base pay rate at the time of absence. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses or shift differentials.

If available personal leave is not used by the end of the fiscal year, employees will forfeit the unused personal time.

Upon termination of employment, any unused personal leave will be forfeited.

3-6. Sick Days

The college provides a program of sick leave with pay for staff (non faculty) employees.

A full-time, 35-hour-per-week employee earns sick leave at the rate of 5.83 hours a working month. A 40-hour-per-week employee earns at the rate of 6.67 hours per month. Half-time employees earn on a pro-rata basis.

Unused, earned sick leave is cumulative from year to year in the following way: full-time, 35-hour-per-week employees may accumulate up to 910 hours of sick leave, while 40-hour-employees may accumulate up to 1,040 hours of sick leave.

Sick leave may only be used only after it has been earned. Sick leave is not earned during periods of leave or lay off.

Sick leave may be used for:

- medical or dental appointments;
- family and medical leave;
- an employee's disability not covered under workers' compensation;
- illness or injury of an employee or family member;
- absence because of the death of a family member.

Family member is defined as parent, spouse, daughter, son, brother, sister, grandparent, son-in-law, daughter-in-law, parent-in-law, grandchild, legal guardian or any relative living in the household.

Sick leave may not substitute vacation or personal leave.

The employee is expected to give the supervisor reasonable advance notice of any expected absence. In case of unexpected absence, the employee is responsible for notifying the supervisor as soon as possible and updating the supervisor if absence will be longer than originally expected.

The employee's benefits are not affected by sick leave with pay.

Sick leave taken must be indicated on the Monthly Leave and Work Report or Biweekly Timesheet.

3-7. Parental Leave

Agnes Scott College believes that parents who want to be able to care for newborn or newly adopted/placed children should be able to do so for a period of time not to exceed 12 weeks (in most cases), in accordance with the Family and Medical Leave Act. The following guidelines apply to paid parental leave.

Eligibility:

All faculty and staff who have completed 12 months of service and have worked at least one semester or 1250 hours in the 12-month period preceding the leave.

In accordance with the Family and Medical Leave Act of 1993 (FMLA), the college provides eligible faculty and staff with up to 12 weeks of family and medical leave during any 12-month period. FMLA leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in the policy. FMLA leave runs concurrently with other college-sponsored leave plans. (A copy of the FMLA policy is included in both the faculty and staff handbooks and on the Office of People and Culture website).

Paid Parental Leave:

The college will grant paid parental leave, normally not to exceed eight (8) weeks for fulltime staff. Fulltime faculty are eligible to take one semester of parental leave. Written notification must be given to the respective Vice President/Dean six months in advance or as soon as practical.

If leave is for adoption or foster care placement, the leave must be completed within 12 months of the date of placement.

Unpaid Parental Leave:

In addition to eight (8) weeks paid parental leave, the staff member may request extra leave time, not to exceed a total of 12 weeks. This additional time will be paid up to the amount of paid leave time (vacation, sick or personal time) the employee has accrued (if applicable), not to exceed four (4) weeks. Otherwise, this additional time will be unpaid. Please note that faculty members do not earn vacation or sick time.

Status & Benefits during Leave:

Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will continue on the same basis as if the faculty/staff member were on active service, i.e., contribute the same share of the medical premium. Premium remittances are to be made on a monthly basis and mailed directly to the Office of People and Culture. Faculty or staff members who fail to remit their premiums or who elect to discontinue their coverage during this time will have their insurance canceled. Upon return to active employment, re-application to the insurance carrier will be necessary along with completion of the Evidence of Insurability form. Re-entry into the Plan is based upon the insurance carrier's underwriting guidelines and is not guaranteed.

Benefit accruals, such as vacation, sick leave and holiday benefits will be suspended during the approved family leave period.

Notification to the College:

Faculty and staff members desiring to apply for FMLA leave under this policy must submit written application to their respective vice president or dean at least six months in advance of the anticipated leave or as soon as practical. All FMLA leave requests are subject to the prior approval of the respective officer of the college and will be based on the needs of the college.

Application and Approval:

Application forms are available through the Office of People and Culture, and must be completed as soon as circumstances will permit. When submitting a request for medical leave, a physician's statement, including prognosis and expected date of return, must accompany the leave request form. Once approved, the completed form is returned to the faculty or staff member requesting a leave and a copy is placed on file in the Office of People and Culture.

Note:

An eligible faculty or staff member may take up to 12 weeks of leave under this policy during any 12-month period.

The college will measure the twelve-month period as a rolling 12-month period measured backward from the date an individual uses any leave under this policy (except that the college will not measure back before August 5, 1993). Each time a faculty or staff member takes leave, the college will compute the amount of leave the faculty or staff member has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the faculty or staff member is entitled to take at that time.

Spouses who are employed by the college and who request FMLA leave for the birth, adoption or foster care placement of a child with the employee, are eligible for a combined 12 weeks between the two individuals. In other words both individuals continue to be eligible for 12 weeks of FMLA apiece, but may only take 12 weeks between them for this event.

3-8. Workers' Compensation

Agnes Scott College provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or if the employee is hospitalized, immediately.

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important to report it immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

Neither Agnes Scott nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored by the college.

Any employee who sustains an on-the-job injury or illness, no matter how slight, is required by law to immediately report the event to his/her supervisor who must, in turn, notify the Office of Public Safety or the Office of People and Culture on the day of the event or within 24 hours of the occurrence. A report must be completed by the Office of Public Safety or the Office of People and Culture. The Office of People and Culture will coordinate all claim matters with the insurance carrier.

Treatment for Injury:

If the injury is life threatening, contact the Office of Public Safety so emergency personnel can be directed to the injured employee and she/he immediately can be taken to the nearest emergency medical care facility. Contact Public Safety at (404) 471-6355. Public safety will complete an accident report.

For serious but non-life threatening injuries, the injured employee is to obtain medical services from one of the authorized medical providers listed on Agnes Scott's Panel of Physicians. The Panel of Physicians list is posted in the Office of Facilities, Evans Dining Hall, and on the Office of People and Culture bulletin board in Buttrick Hall. Authorized treatment slips are available from the Office of People and Culture; if treatment slips are needed before or after normal working hours, contact public safety. The supervisor must contact public safety or people and culture so an accident report may be completed.

Time spent in treatment of an injury caused by an on-the-job accident as well as any necessary related absence that same day is considered work time. However, an injured employee is required to record his or her departure for off-campus medical treatment on the Monthly Leave and Work Report or Biweekly Timesheet.

If the injury entails at-home recovery, the employee must regularly inform his/her supervisor of progress and expected return to work date. Employees must also provide the Office of People and Culture with all documents (i.e., doctor appointments, statements with regard to work status, release to return to the work place, etc.) that pertain to an on-the-job injury or illness. All information is kept strictly confidential.

Worker's compensation leave and pay (66 2/3 % of the injured employee's gross monthly pay) begins after seven calendar days of absence. Any accrued sick leave will be used first until worker's

compensation leave begins; accrued sick leave will also be used to supplement worker's compensation benefits but may not exceed the employee's gross salary/wages.

For further information, contact the Office of People and Culture.

3-9. Jury Duty

Agnes Scott College encourages employees to fulfill their civic responsibilities by serving on jury duty when required.

Staff employees should record the hours spent in jury duty on their timesheet or Monthly Leave and Work Report. They will be paid accordingly, with the hours spent in jury duty noted as "civic duty" pay.

Employees must show the jury-duty summons to their supervisor as soon as possible so the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits.

Either Agnes Scott or the employee may request an excuse from jury duty if, in the college's judgment, the employee's absence would create serious operational difficulties.

The employee will maintain regular benefits and benefit accruals such as vacation and sick leave for the full term of the jury-duty absence.

3-10. Voting Leave

Agnes Scott College encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their nonworking hours, Agnes Scott will grant up to two hours of unpaid time off to vote.

Employees should request time off to vote from their supervisor at least two working days prior to election day. Advance notice is required so the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

3-11. Witness Duty

Agnes Scott College encourages employees to appear in court for witness duty when subpoenaed to do so.

If employees have been subpoenaed or otherwise requested to testify as witnesses by the college, they will receive paid-time off for the entire period of witness duty.

Employees will be granted a maximum of eight hours of paid time off to appear in court as a witness at the request of a party other than Agnes Scott. Employees will be paid at their base rate and are free to use any remaining paid-leave benefits (such as vacation leave) to receive compensation for any period of witness- duty absence that would otherwise be unpaid.

Employee should show the subpoena to their supervisor immediately after it is received so operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

An employee may also choose to appear as a witness on a voluntary basis. In this case, the employee will be required to use vacation or personal time to be paid for the time away from work. Any voluntary witness duty must be approved through the supervisor in advance.

3-12. Insurance Programs

Agnes Scott College provides a range of insurance benefits which allows employees to choose those that best meet their individual or family needs. Our plan year begins July 1 of each year. Each year, prior to July 1, you may change your enrollment choices during our open enrollment period. Unless otherwise indicated, if enrolled, insurance coverage becomes effective on the first day of the month after the date of hire unless the date of hire is the first day of the month, in which case, benefits become effective that day.

Health Insurance

Agnes Scott College's health-insurance plan provides employees and their dependents access to medical insurance benefits. Employees in the following employment classifications are eligible to participate in the health insurance plan:

- Regular half-time employees
- Regular full-time employees

Eligible employees may participate in the health-insurance plan subject to all terms and conditions of the agreement between Agnes Scott and the insurance carrier. The employee part of the premium is deducted from an employee's paycheck on a monthly pre-tax basis, unless the employee requests otherwise in writing.

If premiums are deducted on a pre-tax basis, the employee can only cancel or change coverage during annual Open Enrollment, with the exception of certain "qualifying events," such as marriage, new birth or a dependent child becoming ineligible.

If eligible dependents are to be covered by Agnes Scott College health insurance, dependents MUST be enrolled when the employee is hired, or when the dependent first becomes eligible, i.e. marriage, new birth or other approved "life change." Proof of a "life change" must be provided to the Office of People and Culture to apply for coverage. Failure to enroll dependents when first eligible may jeopardize or delay their coverage, as they must submit an "underwriter application," which the insurance company has the right to deny because of prior health history.

Employees who are laid off by the college during the winter break or summer months, or who take an authorized unpaid leave of absence (not to exceed three months), MUST pay the Office of People and Culture their normal contribution before the first of each month to continue health insurance during periods when they are not on the payroll.

Insurance Termination

Insurance will terminate on the last day of the month in which separation of employment was

effective from Agnes Scott College, or when the group plan terminates or when the employee fails to make the required contributions. Dependent coverage will terminate on the effective date of the employee's termination of coverage or when they are no longer eligible.

A change in employment classification that would result in loss of eligibility to participate in the health- insurance plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) policy for more information.

Details of the health-insurance plan are described in the Summary Plan Description (SPD). An SPD and information on cost of coverage will be provided in advance of enrollment to eligible employees. Contact the Office of People and Culture for more information about health-insurance benefits.

Agnes Scott College reserves the right to modify, change or discontinue these health-insurance programs at any time.

Dental Insurance

Agnes Scott College's dental-insurance plan provides employees and their dependents access to dental- insurance benefits. Employees in the following employment classifications are eligible to participate in the dental-insurance plan:

- *Regular full-time employees
- *Regular half-time employees

Eligible employees may participate in the dental-insurance plan subject to all terms and conditions of the agreement between Agnes Scott and the insurance carrier. The employee part of the premium is deducted from an employee's paycheck on a monthly pre-tax basis, unless the employee requests otherwise in writing.

Details of the dental-insurance plan are described in the Summary Plan Description (SPD). An SPD and information on cost of coverage will be provided in advance of enrollment to eligible employees. Contact the Office of People and Culture for more information about dental-insurance benefits.

Agnes Scott College reserves the right to modify, change or discontinue the dental-insurance program at any time.

Vision Insurance

Agnes Scott College's vision-insurance plan provides employees and their dependents access to vision-care benefits. Employees in the following employment classifications are eligible to participate in the dental insurance plan:

- *Regular full-time employees
- *Regular half-time employees

Eligible employees may participate in the vision-insurance plan subject to all terms and conditions of the agreement between Agnes Scott and the insurance carrier. The premium is deducted from an employee's paycheck on a monthly pre-tax basis, unless the employee requests otherwise in writing.

Details of the vision-insurance plan are described in the Summary Plan Description (SPD). An SPD and information on cost of coverage will be provided in advance of enrollment to eligible employees. Contact the Office of People and Culture for more information about vision-insurance benefits.

Agnes Scott College reserves the right to modify, change or discontinue the vision-insurance program at any time.

Life Insurance

Life-insurance offers employees and their families important financial protection. The college provides a basic life- insurance plan for eligible employees. Additional supplemental and/or dependent life-insurance coverage may also be purchased.

Employees in the following employment classifications are eligible to participate in the life-insurance plan:

Regular half-time employees

Regular full-time employees

Eligible employees may participate in the life-insurance plan subject to all terms and conditions of the agreement between Agnes Scott and the insurance carrier.

Details of the basic life-insurance plan including benefit amounts are described in the Summary Plan Description provided to eligible employees. Contact the Office of People and Culture for more information about life-insurance benefits.

3-13. Benefits Continuation (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under ASC's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at ASC's group rates plus an administration fee. ASC provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under ASC's health insurance plan. The notice contains important information about the employee's rights and obligations.

3-14. Long-Term Disability Benefits

Agnes Scott College provides a long-term disability (LTD) benefits plan to help eligible employees cope with an illness or injury that results in a long-term absence from employment. LTD is designed to ensure a continuing income for employees who are disabled and unable to work.

Employees in the following employment classifications are eligible to participate in the LTD plan (subject to all terms and conditions of the agreement between the Agnes Scott College and the insurance carrier):

Regular half-time employees

Regular full-time employees

Eligible employees may participate in the LTD plan subject to all terms and conditions of the agreement between Agnes Scott and the insurance carrier.

LTD benefits are offset with amounts received under Social Security or workers' compensation for the same time period.

This is solely a monetary benefit and not a leave of absence. Employees who will be out of work must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

Details of the LTD benefits plan including benefit amounts and limitations and restrictions are described in the Summary Plan Description provided to eligible employees. Contact the Office of People and Culture for more information about LTD benefits.

3-15. Flexible Spending Account (FSA)

ASC provides a Flexible Spending Account (FSA) program that allows employees to have pre-tax dollars deducted from their salaries to pay for eligible out-of-pocket expenses. The pre-tax contributions made to the FSA can be used to pay for predictable non-reimbursed health care expenses and dependent care expenses during the plan year. Through the FSA program, you can reduce your taxable income without reducing your real income, so that you can keep more of the money you earn.

Employees in the following employment classifications are eligible to participate in the Flexible Spending Account program:

- * Regular half-time employees
- * Regular full-time employees

Participation in the Health Care and/or Dependent Care FSA is optional and determined on an annual basis for the plan year. You must enroll for each plan year. You determine how much to contribute to the account, up to a specified maximum, based on anticipated expenses during the plan year. Contributions are directed to the FSA through salary reduction on a pre-tax basis. This tax-free money is then available to you for reimbursement of out-of-pocket expenses. Since the amounts that remain in the account at the end of the plan year are forfeited, you should take care not to over-fund your account. You may be able to carry over a portion of your account. If a carry over is allowed, the Office of People and Culture will provide information each year at open enrollment.

Details of the Flexible Spending Account program are described in the Summary Plan Description (SPD). Contact the Office of People and Culture for more information on the Flexible Spending Account program and to obtain enrollment and reimbursement forms and worksheets with examples of reimbursable and non-reimbursable expenses.

3-16. Employee Assistance Program

Agnes Scott College has contracted with Espyr to provide employees and their family members with a comprehensive Employee Assistance Program (EAP).

What is an EAP? The EAP provides counseling and referrals for a wide variety of personal issues. If

you or a household member is faced with a personal issue, the EAP's professional, experienced, and knowledgeable counselors can help.

Services are free and confidential, within the bounds of the law. The EAP is available 24/7/365 and provides the following services:

Work-Life

- **Legal** consultation provided by attorneys.
- **Financial** consultation is available regarding debt matters, investment options, money management, tax preparation and consultation and retirement planning.
- **Child care** information and referrals for all types of child care, as well as camps and schools.
- **Elder care** services to assess elder care needs, locate resources and arrange referrals.
- **Adoption** specialists share information, organize and arrange referrals for all stages of this process.
- **Academic** resources including customized profiles of kindergarten through graduate school.
- **Pet care** services that offer referrals to breeders, groomers, walkers, sitters, kennels, vets, and pet publications.
- **Special needs** services and referral to assess employee needs, educate, and make referrals for various special needs affecting employees and their families.
- **Daily Living and Concierge** resources that provides referrals such as for home improvement resources, cleaning services, travel information and more.
- **Relocation** services and referral information provided to employees who are moving.

Personal Counseling - Counseling is available to you and your household members 24 hours a day, seven days a week. Counselors located conveniently to your work or home are available for up to 3 sessions, per problem for face-to-face counseling and referral for a full range of personal, family and work concerns.

How to Access

- **Online:** go to www.espyr.com and log in using your password: **agnesscott**
- **Phone:** call Toll Free: 1 (800) 869-0276
- **App:** Download the free app from the Apple Store or the Google Play Store. Your code is: **agnesscott**

3-17. Retirement Plan

Agnes Scott College has established a 403(b) Defined Contribution Retirement Plan to assist employees in saving for retirement.

Full-time and half-time employees who complete at least 1,000 continuous work hours each year are required to participate in the Agnes Scott College 403(b) Defined Contribution Retirement Plan. Participation begins (for those working 1,000 hours or more) after the employee has completed one year of service to the college. The plan is provided through Teachers Insurance Annuity Association (TIAA).

Eligible employees are required, as a condition of employment, to contribute 3.5 percent of their

salary to the Plan. The college's contribution may be effective, suspended or changed as conditions allow.

Employees may contribute on a tax-sheltered (salary-reduction) basis or on a regular after-tax deduction basis. After two years of service, the employee will be fully vested in the college's contributions and their earnings. If the employee dies or becomes totally disabled before retirement and has not yet attained two years of service, they are automatically vested. Employees are immediately vested in their own contributions to the plan.

A variety of investment options are available. Allocations can be changed at any time by calling TIAA at 800 842-2252, or logging on their web site: <http://www.tiaa.org>.

Employees may choose to make additional contributions to the Defined Contribution Retirement Plan that are not matched by the college, or contribute to a Tax-Deferred Annuity (TDA) Plan, also known as a Supplemental Retirement Annuity (SRA) fund. Additional contributions are subject to Internal Revenue Service (IRS) regulations. Reduction and contribution maximums are subject to IRS Code Section 415 restrictions and amounts designated by the employee should be determined after consulting TIAA and/or the employee's personal financial adviser. Employees contributing annual additions must fill out a form each year and must have documentation of consultation with TIAA or personal financial adviser. Without this information, the Office of People and Culture will not be able to process the request.

Salary reduction agreements can be changed once each calendar year. Complete details of the 403(b) Defined Contribution Retirement Plan are described in the Summary Plan Description provided to eligible employees. Contact the Office of People and Culture for plan summary information, details and enrollment forms.

Agnes Scott College reserves the right to modify, change or discontinue this retirement program at any time.

3-18. Community Services

Agnes Scott College recognizes the importance of building positive relationships within the community. The college and our employees are interdependent on the service agencies, organizations, educational institutions and various resources within the community. Agnes Scott encourages and supports participation in community-service activities that contribute to the community and foster future growth and development needs. Our goal is to help existing community-service organizations implement and continue programs and projects that improve the quality of life for the community at large.

All regular full-time employees may volunteer and take up to a maximum of eight hours of normal-paid work time within every 12-month period to participate in an approved community-service activity. The time and activity must be approved by the supervisor and scheduled at least two weeks in advance. The date, time and agency should be recorded on your Bi-weekly Timesheet or Monthly Leave and Work Report. Performing community service will not count toward hours worked for the purpose of calculating overtime pay. Community service activity for the purpose of this benefit must be conducted during the employee's normal work hours.

Upon completion of your volunteer service, your supervisor must be provided with a statement indicating the date and amount of time volunteered to the community-service organization. To

document and acknowledge your effort and participation, any supporting information, photographs or materials relating to the service activity should also be provided. Contact your supervisor if you have any questions or suggestions about eligible community-service activities.

Examples of eligible community-service organizations and activities include, but are not limited to, the following:

Adult-Literacy Program

After-School Program

AIDS Services/Support

American Cancer Society

American Lung Society

Animal Shelter/Services

Big Brothers/Big Sisters

Blood Bank/Drive

Boys and Girls Club

Breast Cancer Society

Child-Care Services

Community Development

Dekalb Rape Crisis Center

Educational Institutions (K through 12)

Environmental Conservation

Food Bank/Drive

Goodwill Industries

Historical Society and Museums

Homeless Shelter/Prevention

Hospice

Humane Society

Leukemia & Lymphoma Society

Parks and Recreation

Performing Arts

Red Cross

Salvation Army

Senior Center



Substance Abuse

Toys for Tots

United Way

USDA Natural Resources Conservation

Veteran Center

Volunteer Center

YMCA

Youth and Family Services

YWCA

3-19. Meal Plan

Agnes Scott College provides eligible faculty and staff members meal benefits during the academic year. The following categories of employees are eligible:

- Regular full-time employees
- Regular half-time employees
- Part-time employees



One meal per working day (usually lunch) is provided in Evans Dining Hall during the academic year for faculty and staff, both full-time and part-time employees, at a nominal charge of \$3.00.

To receive one meal per working day in the dining hall for the price of \$3.00, employees present their current valid college ID. ID cards are issued through people and culture to each College employee. Valid IDs have the current academic-year sticker, distributed by information technology services at the beginning of each academic year; the employee's picture; and the bar code issued by a manager or assistant manager in food services.

As a convenience, arrangements with our food services contractor allow individuals the option to pre-purchase meals by placing funds on account for daily use. This pre-purchase of meals yields an additional 10 percent reduction in the per-meal cost.

Payment Options:

Daily payment option: You must present your current Agnes Scott College ID daily at Evans Dining Hall to receive the reduced meal charge of \$3.00. If you do not present your validated ID with bar code, you will be charged the regular price: \$6.50 for breakfast, \$8.50 for lunch or \$8.75 for dinner. Cash and credit cards (i.e. Visa and MasterCard) are accepted for meals at the counter of the dining hall. Personal checks will not be accepted for the daily payment of individual meals.

Pre-payment option: The food services manager or assistant manager will accept pre-payment to your meal card by cash or credit card (minimum of \$50). By prepaying your account you will receive an additional 10 percent credit. Example: when you advance deposit \$50; \$55 is credited to your account. Funds left on your account at the end of the semester will carry forward to the next

semester.

One hour is the customary length of the meal period for staff employees; for certain designated supervisors the meal period is 30 minutes. The meal period for non exempt employees cannot be less than 30 consecutive minutes per day. Non-exempt employees cannot adjust their scheduled-meal period without prior approval from their supervisor.

3-20. Tuition Privileges

Agnes Scott College offers several undergraduate tuition remission and exchange programs for full-time faculty, staff and their dependents. Tuition remission is not available for post baccalaureate programs or graduate credit. The following provides a description of each program. For complete details and a list of participating institutions, contact the financial aid director.

Remission for Classes at Agnes Scott College

Full-time faculty, staff and their dependents may receive tuition remission for classes taken at Agnes Scott College, beginning one year after the full-time employment date of the faculty or staff member. Please note that tuition remission does not apply to any classes taken during summer school. The employee or dependent must apply for all federal and state grants that may be available. Examples of such grants are the Georgia Tuition Equalization Grant and the Pell Grant. Information about state and federal grants may be obtained from financial aid. Should an individual terminate employment during the period he/she, a spouse or a dependent is registered at Agnes Scott College, the cost will be pro-rated on the basis of the length of the semester and the time of employment.

Remission does not cover room, board, any fees or special programs.

All seeking remission should contact the director of financial aid for the appropriate tuition remission request form.

Faculty

Approval to take courses at Agnes Scott College is granted by the dean of the college. No application is required.

Staff and Faculty/Staff Spouses

Full-time staff members, who normally work 35 or more hours per week, are eligible to apply to take up to a maximum of two classes per semester with remission aid one year after the full-time employment date of the staff member. Normal provisions regarding credit, grades, non degree hour limits and class attendance apply. Enrollment is dependent upon supervisor's approval and the employee's ability to continue to perform successfully the full duties of their position with the college.

Admission of staff and faculty/staff spouses into classes is dependent upon space available. Staff must have the permission of the appropriate supervisor(s). Employees applying to take a class should submit two copies of the Agnes Scott College Tuition Remission Request form; one to the associate vice president for enrollment and the other to the director of financial aid. Staff members and spouses complete the Woodruff Scholars Application and submit transcripts of high school and previous college work. An interview may be required. Recommendations are not required for employees and the application fee is waived. The assistant dean of the college reviews all applications from staff and spouse applicants until degree status is sought. At that time, a decision is

made by the Committee on Academic Standards and the Office of Admission.

Dependent Children of Faculty and Staff

Dependent* children of full-time members of the faculty and staff, as well as retired members who qualify as retirees**, may apply to take courses with remission assistance one year after the full-time employment date of the faculty or staff member. High school seniors, male and female, seek approval from the dean of admission and the associate vice president for enrollment to take courses at Agnes Scott College under the joint-enrollment plan. An explanation of this program is offered in the catalog. Female high-school seniors and female students enrolled in another college may apply for admission as degree candidates under normal procedures.

Association of Presbyterian Colleges and Universities Tuition Exchange Program

Eligible applicants are the dependent children and spouses of full-time faculty and staff in participating APUC member institutions. For a current list of participating institutions and any restrictions required by each institution, contact the Agnes Scott College director of financial aid.

Tuition Exchange Program

The Tuition Exchange Program is a national exchange program with more than 600 participating colleges and universities. It is important to note all interested persons should complete the tuition exchange request form and submit to the director of financial aid during the open request period (typically between August 1 and September 15 of the year prior to anticipated enrollment). This early deadline is important to ensure maximum access to participating institutions. Additional information may be found at: <https://tuitionexchange.org>. Please note that an application for this program does not guarantee eligibility and is subject to Agnes Scott's ability to maintain a balance between "imports" (students coming into the college via the Tuition Exchange Program) and "exports" (dependents of college employees going to other participating Tuition Exchange institutions). If Agnes Scott is deemed to be out of balance by the Tuition Exchange Program, it will be necessary for the college to limit the number of participants in the Tuition Exchange program until such time as the balance between imports and exports reaches an acceptable level. If exports continue to exceed imports, the Tuition Exchange Program may not allow the college to submit new exports until the balance returns to an acceptable level. In the event the college is prohibited by the Tuition Exchange Program from adding new exports, students already in the program will continue to be eligible.

In addition to the tuition exchange request form, families will need to go online to <https://telo.tuitionexchange.org/apply.cfm> to complete the online application form and select potential host exchange schools. Students may select up to 10 schools per application submitted. If more than 10 schools are desired, additional applications will need to be completed.

* Dependent: anyone claimed on the employee's federal income tax return the calendar year prior to the anticipated enrollment date at Agnes Scott or other school for which remission is sought.

** Retiree: anyone who meets the age and service criteria established by the college to receive full access to retiree benefits.

3-21. Lactation Accommodations

Agnes Scott College supports the legal right and necessity of employees who choose to express milk in the workplace. The Agnes Scott College promotes a breastfeeding-friendly work environment and supports lactating employees.

The Agnes Scott College will provide break time of reasonable duration to employees who wish to express breast milk at the worksite during working hours. Any break time provided under the law will be paid at the employee's regular rate of compensation.

The Agnes Scott College will provide the use of a private location, other than a restroom, for the employee to express milk in private at the worksite.

Employees can contact Office of People and Culture with questions regarding this policy.



Section 4 - Leaves of Absence

4-1. Unpaid Personal Leave

The granting of an unpaid leave of absence for reasons not expressly stated elsewhere in this handbook, such as FMLA, is at the sole discretion of the college. The employee must have completed one year of continuous service in order to request such a leave. The college cannot guarantee that an employee who goes on unpaid leave will be returned to his/her former position or its equivalent. Failure to return when leave expires will be considered automatic voluntary resignation from employment.

Requests for unpaid personal leave must be submitted in writing to the employee's supervisor. The length of the leave and reason must be stated. Any leave granted will be limited to an initial leave not to exceed three months. In exceptional circumstances, longer leaves without pay may be approved, such as a leave for an honorific appointment for public service. An employee may then request an extension of the leave by submitting to the division vice president and the Office of People and Culture another written request for an extension stating the length of and the reason for the extended leave request. Once an employee receives initial approval, a Request for Leave of Absence form must be completed by the employee and signed by the employee's supervisor. Completed forms must be submitted to the Office of People and Culture.

All accrued vacation or personal time must be used prior to the start of an unpaid personal leave of absence.

While on unpaid personal leave employees are responsible for the full premium (both the employee and the college portion) payment for benefits they were enrolled in as of the initial date of that unpaid leave.

Employees will not accrue paid sick leave, vacation or personal time while on unpaid personal leave.

Upon completion of the unpaid personal leave of absence, Agnes Scott College will attempt to return employees to their original job or a similar position, subject to prevailing business considerations. Reinstatement, however, is not guaranteed.

Failure to advise management of availability to return to work, failure to return to work when notified or a continued absence from work beyond the time approved by Agnes Scott College will be considered a voluntary resignation of employment.

4-2. Military Leave

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. armed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Employees will receive partial pay for up to one-month training assignments and shorter absences. Upon presentation of satisfactory military pay verification data, employees will be paid the difference between their normal base compensation and the pay (excluding expense pay) received while on

military duty.

The part of any military leaves of absence in excess of one month will be unpaid. However, employees may use any available paid-time off for the absence.

Continuation of health-insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

Vacation, sick leave and holiday benefits will continue to accrue during a military leave of absence.

Employees on military leave for up to 30 days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Contact the Office of People and Culture for more information or questions about military leave.

4-3. Family and Medical Leave

Agnes Scott College understands the importance of family issues to today's work force. The college also recognizes that more faculty and staff members than ever before face conflicting demands of family obligations and work. Because employees may find it necessary to take leave from their jobs for a temporary period to address certain family responsibilities or their own health conditions and to comply with the FAMILY AND MEDICAL LEAVE ACT OF 1993 (FMLA), the college has developed this Family and Medical Leave Policy. FMLA leave may be paid, unpaid or a combination of paid and unpaid leave depending on the circumstances of the leave and as specified in this policy.

Under the FMLA, eligible employees may be granted up to 12 workweeks of leave over a 12-month period (and up to twenty-six (26) workweeks of unpaid leave as discussed below in the "Military Caregiver Leave" section of this policy). The 12-month period in which the 12 workweeks of leave entitlement occurs will be calculated on the basis of a rolling year, measured backward from the date an employee uses any FMLA leave. Employees do not need to use the leave entitlement in one block.

Questions concerning any particular leave situation should be directed to the Office of People and Culture.

Note: This policy is separate from that which addresses the area of professional leaves of absence for faculty members.

Eligibility

To be eligible to take FMLA leave, the faculty or staff member must have worked for the college for at least: 12 months (either consecutive or non-consecutive, excluding breaks in service of more than 7 years unless because of military service); and 1,250 hours during the 12-month period immediately preceding the start of the leave.

Type of Leave Covered

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the following reasons:

1. The birth of a child of the employee, or to care for a newborn child or a child placed with the employee for adoption or foster care (This kind of FMLA leave must be taken during the 12-month period beginning on the date of the birth or placement); or
2. To care for the employee's spouse, sponsored domestic partner, child (provided that the child is under the age of 18, or, if older, incapable of self-care because of a disability) or parent (individual who stood *in loco parentis* to the employee when the employee was a child) who has a serious health condition; or
3. Due to the serious health condition of the employee that renders the employee unable to perform the functions of his or her position; or
4. Due to a qualifying exigency arising out of a covered family member's covered active duty or call to covered active duty in the Armed Forces (Qualifying Exigency Leave).
5. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, domestic partner, child, parent, or next-of-kin of the servicemember (Military Caregiver Leave). (The requirements for this kind of leave are discussed in the "Military Caregiver Leave" section of this policy below.)

Definition of Serious Health Condition: A serious health condition is an illness, injury, impairment, or physical or mental condition, that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Occupational and non-occupational injuries and illnesses may constitute serious health conditions under the FMLA. Consequently, workers' compensation leaves, short-term disability leaves, and long-term disability leaves will run concurrently with FMLA leave.

Definition of Qualifying Exigency: Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions and attending post-deployment reintegration briefings. Employees requesting this type of FMLA leave must provide proof of the qualifying family member's call-up or active military service before leave is granted.

Spouses

Eligible spouses who are both employed by the college are jointly entitled to a combined total of twelve workweeks of family leave for the birth or placement of a child for adoption or foster care and to care for a parent who has a serious health condition. If spouses both work for the college and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 workweeks of leave.

Status & Benefits During Leave

Subject to the terms, conditions and limitations of the applicable plans, health-insurance benefits will continue on the same basis as if the employee were on active service, i.e., contribute the same share of the medical premium. If the employee is receiving pay for the leave, no action on her/his part is required. If the leave is unpaid, premium remittances are to be made on a monthly basis and mailed directly to the Office of People and Culture. Employees who fail to remit their premiums or who elect to discontinue their coverage during leave will have their insurance canceled. Benefit accruals, such as vacation, sick leave and holiday benefits will be suspended during the approved FMLA leave period.

Use of Paid and Unpaid Leave

If the employee would otherwise be on unpaid leave status has accrued or earned paid leave (vacation, sick or personal time) she/he must use paid leave first, regardless of the reason FMLA is being taken, and take the remainder of the FMLA leave as unpaid leave. All paid leave will run concurrently with FMLA leave and will count against the employee's FMLA leave entitlement.

If the leave is for a birthing mother for the birth and post natal care of a newborn child, it may qualify for paid parental leave. For details, see the applicable faculty or staff Parental Leave Policy. This leave period will be counted towards the faculty or staff member's FMLA entitlement.

If the leave is for paternity, adoption or foster care of a child, it may qualify for paid parental leave. For details, see the applicable Parental Leave Policy. All parental leave will be counted toward the employee's entitlement for FMLA leave.

Procedure for Requesting Leave

An FMLA leave requires the prior approval of the respective officer of the college. Application forms for a FMLA leave are available in the Office of People and Culture and must be completed as soon as circumstances permit. If the reason for the FMLA leave is foreseeable (such as planned surgeries or normal births), the employee must give 30-days notice. If the need for leave is unexpected (such as a serious injury in a car accident, or premature birth), the employee must notify the college as soon as possible and in no event, more than two days after knowing of the need for leave. Notice to the college is accomplished by completing a FMLA request form, which is available in the Office of People and Culture. If the employee fails to provide 30-days notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the college receives notice. When the duration of FMLA leave changes, an employee is required to provide at least 2 business days advance notice of the change.

The college will provide individual notice of rights and obligations to each employee requesting leave within two business days or as soon as practicable. While on leave, faculty and staff members are requested to report periodically to the college regarding the status of the medical condition, and their intent to return to work.

Intermittent Leave or Reduced Work Schedule

Under certain circumstances, FMLA leave may be taken intermittently or on a schedule that reduces the number of hours per workday or workweek where medically necessary for the employee's own serious health condition, to care for the serious health condition of a covered family member, or to care for a covered servicemember with a serious injury or illness. When such leave is for planned medical treatment, the employee must make reasonable effort to schedule treatment so as not to

unduly interrupt the college's operation. Leave due to a qualifying exigency may also be taken on an intermittent or reduced schedule basis. Intermittent leave may be taken in increments of no less than 30 minutes.

The college may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule necessary for leave for the faculty or staff member or his or her family member that is foreseeable and for planned medical treatment, including recovery from a serious health condition or serious injury or illness.

Certifications

Medical certification is required to support a request for leave affecting the employee or a covered family member or a request for leave to care for a covered servicemember under the Military Caregiver Leave provision. This certification must be provided by the employee no later than fifteen days after the request by the college. Certification will also be required to support a request for leave due to a qualifying exigency. Failure to provide certification may result in a denial of continuation of leave.

1. The college may obtain a second and/or third opinion regarding an initial certification (at the college's expense)
2. The college may require recertification of FMLA leave under certain circumstances.
3. If an employee's FMLA leave was occasioned by the employee's own serious health condition, the pertains to the particular condition that caused the need for FMLA leave and states that the employee is able to resume work before the employee will be restored to employment. Such certifications should be presented to the employee's respective college officer or the Office of People and Culture prior to the employee's returning to work.

Return to Work

So the return to work can be properly scheduled, employees are requested to provide the college with at least two weeks advance notice of the date the employee intends to return to work.

Upon return from FMLA leave, most employees will be restored to the original or an equivalent which the employee is qualified position with equivalent pay, benefits, and other employment terms. An employee has no greater right to reinstatement or to other benefits of employment than if the employee had been continuously employed during the FMLA leave period.

If an employee fails to return to work on the agreed return date, the college will assume that the employee has resigned.

Any employee who fraudulently obtains FMLA leave is not protected by the FMLA and has no right to job restoration or maintenance of health benefits provisions.

Military Caregiver Leave

An eligible employee who is the spouse, sponsored domestic partner, son, daughter, parent or next-of-kin (closest blood relative) of a covered servicemember with a serious injury or illness is entitled to a total of 26 workweeks of leave in a single 12-month period to care for the covered servicemember. This is the only type of FMLA leave that may extend an employee's leave entitlement beyond 12 workweeks. During this single 12-month period which begins with the first day the employee takes

leave, an eligible employee is entitled to a combined total of 26 workweeks of any type of FMLA-qualifying leave. An employee requesting this type of FMLA leave may be requested to provide confirmation of his relationship to the covered servicemember and will be required to provide certification of the family member's injury or illness from the covered servicemember's authorized health care provider. Recertification will not be required. This is the only type of FMLA leave that may extend an employee's leave entitlement beyond 12 workweeks to 26 workweeks. The definition of serious injury or illness for this kind of leave is different from the definition of serious health condition for other kinds of FMLA leave. For more information, contact the Office of People and Culture.

Definition of Covered Servicemember: 1) a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or 2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

Confidentiality

The college will keep all information relating to requests for family or medical leave confidential. All records will be retained in the Office of People and Culture.

4-4. Sick Leave Donation

The Sick-Leave Donation program is a voluntary, confidential program permitting staff members to donate sick time to a co-worker who cannot return to work because of a serious health condition, as defined under the Family and Medical Leave Act (FMLA). Voluntary sick-leave donations from other employees may be used to provide paid sick leave for a maximum of 160 hours in a twelve-month period. The 12-month period will commence on the day an employee first utilizes donated sick leave.

Employees may also donate sick time to a bank of sick time for use by any co-worker in need. This sick time would be assigned to a reserve account rather than donated to specific individuals. Employees who have exhausted all their available sick time are encouraged to contact the Office of People and Culture to discuss their eligibility to use reserve-account sick leave.

To be eligible to donate sick leave, a staff member must have accumulated at least 160 hours of sick leave. The number of donated hours shall not exceed 20 percent of the donor's accumulated sick time (for example, if an employee has accumulated 200 sick hours, s/he could donate up to 40 of those hours to a co-worker).

To be eligible to receive sick leave, an employee must:

- have been employed full time for 12 continuous months;
- have exhausted all of his/her own sick leave and have no more than 40 hours of vacation time accrued;
- require a continued absence from work because of his/her own serious health condition or to care for a family member who has a serious health condition (as defined under FMLA);
- provide medical documentation (as required under the FMLA); and
- not have been counseled for abuse of the sick leave policy within the last 2 years.

PROCEDURE:

An employee in need of sick-leave donation shall complete a Request for Sick-Leave Donation and submit it to his/her supervisor. The supervisor shall indicate whether she/he recommends approval of the request, sign the form and forward it to the Office of People and Culture for final approval and processing. Any employee requesting donated sick leave, after having already received a donation, must wait 12 months before receiving a second donation. In addition, employees requesting a second donation should have accrued at least three days of sick leave of their own before being able to request a second donation.

The Office of People and Culture shall post a request for sick-leave donation if there is insufficient time in the bank to accommodate the request. The circumstances leading to a need for donated sick leave shall be confidential; only information authorized by the requesting individual may be released.

Employees who wish to donate sick time shall complete a Sick-Leave Donation form and submit it to the Office of People and Culture. The Office of People and Culture will verify the eligibility of both the donor and the recipient.

Any employee who has received donated sick leave is highly encouraged to return at least one day to the bank when they return to work and begin accruing sick leave. This is a voluntary donation that enables individuals who have been recipients of their co-worker's generosity to, "pay it forward."

The Office of People and Culture will send a copy of each Sick-Leave Donation form to payroll, thereby notifying payroll to transfer the approved hours from the donor or the bank to the recipient.

The Office of People and Culture will notify the receiving employee of the amount of sick leave transferred to his/her sick leave account. The names of donors will be released only with approval by each donor.

Participation in this program shall terminate, and any remaining balance of donated leave returned to the reserve or to individual donors, if any of the following occurs:

- the recipient is medically released to return to work;
- the recipient returns to work;
- the recipient's employment is terminated; or
- the recipient fails to provide medical documentation as requested under the Family and Medical Leave Act.

The college reserves the right to refuse donated sick leave to any individual who has abused the Sick Leave Donation policy or falsifies documents in order to obtain a donation.

4-5. Leave During A Public Health Emergency

In the event of an officially-declared pandemic or other public health emergency, the President of the College may declare that the following policy is in effect. The purpose of the policy is to minimize risk of further infection.

Medical Leave

Supervisors are to encourage faculty and staff who feel sick not to come to work and to seek

appropriate medical attention. The sick leave policy and procedures under the Sick Leave Bank will apply to all staff employees who are absent from work due to illness.

If a staff member is unable to return to work after all available sick, personal and vacation time is exhausted, he or she will continue to be paid his or her normal wages* as long as there is regular communication with the Office of People and Culture and the employee's immediate supervisor.

Since faculty members do not accrue sick leave, their salary will continue* as long as there is regular communication with the Office of People and Culture, the department chair and dean. Immediate mandatory medical leave may be imposed on a faculty or staff member who is suspected to be ill or becomes ill at the workplace.

Personal Leave to Care for Family Members

If a staff member is required to stay home to take care of family members due to the public health emergency, staff will first use their accumulated personal, sick and vacation leave. If staff members exhaust their sick, personal or vacation leave, the college will continue to pay their wages*.

Wages will continue as long as there is reasonable communication with the Office of People and Culture and the supervisor as to the condition of the family members. Since faculty members do not accumulate personal, sick or vacation time, their salary will continue* as long as there is reasonable communication with the Office of People and Culture and the department chair or dean.

*Agnes Scott College reserves the right to review and determine the amount of continued pay that will be available to any employee or group of employees. The college also reserves the right to designate all or a portion of leave under this policy to the employee's FMLA entitlement pursuant to the college's Family and Medical Leave policy and applicable laws.

Section 5 - General Standards of Conduct

5-1. Employee Conduct and Community Standards

To insure orderly operations and provide the best possible work environment, Agnes Scott College expects employees to observe the highest community standards and follow rules of conduct that protect the interests and safety of all employees and the college.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of property
- Negligence or improper conduct leading to damage of college-owned or student-owned property
- Inappropriate, disruptive, discourteous or irregular behavior adversely affecting students, employees or visitors
- Acts of physical misbehavior or acts of violence, including provoking or participating in fighting or making threats
- Insubordination or other disrespectful conduct
- Unauthorized access to or misuse or abuse of the college's electronic resources, email, or any social media sites and the like.
- Violation of safety or health rules
- Sexual or other unlawful or unwelcome harassment
- Refusal to cooperate with an Agnes Scott College investigation
- Falsification of forms, time and attendance records, or other official records or documents, including employment, promotion or transfer documents
- Excessive absenteeism or any absence without notice
- Unauthorized absence from work station during the workday
- Unlawful manufacture, distribution, sale, possession, or use of any controlled substance or illegal drugs regardless of where or when the conduct occurs
- Possession of firearms, weapons, explosives, or dangerous materials on Agnes Scott College property unless authorized
- Plea of no contest or conviction for an illegal act, committed on or off the job, which adversely impacts job performance, attendance or the reputation of Agnes Scott College
- Misappropriation of departmental or organizational funds
- Failure to follow Agnes Scott's policies and procedures

-Behavior harmful to the reputation and mission of Agnes Scott College

Employment with Agnes Scott is at the mutual consent of the College and the employee, and either party may terminate the relationship at any time with or without cause and with or without advance notice unless notice is required by individual contract.

5-2. Punctuality and Attendance

To maintain a safe and productive work environment, Agnes Scott College expects employees to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the college. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence. We expect excellent attendance from all employees.

We do recognize, however, there are times when absences and tardiness cannot be avoided. In such cases, employees are expected to notify Supervisors as early as possible, but no later than the start of the work day. Asking another employee, friend or relative to give this notice is improper and constitutes grounds for disciplinary action. Employees should call, stating the nature of the illness and its expected duration, for every day of absenteeism.

Unreported absences of three (3) consecutive work days generally will be considered a voluntary resignation of employment with Agnes Scott College.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

5-3. Smoking/Tobacco-Free

Overview

Agnes Scott College recognizes the serious health implications of both direct use of tobacco products and indirect exposure to the use of tobacco products, along with hazards associated with environmental tobacco smoke. In order to create an atmosphere consistent with Agnes Scott's mission and commitments to improve the health and wellness of members of the Agnes Scott community and the environment, Agnes Scott College prohibits the use or sale of tobacco products on its main campus, effective January 1, 2015.

Policy Details

Effective January 1, 2015, the use or sale of tobacco products is prohibited in or on Agnes Scott College's main campus.

1.

1. This policy covers all tobacco products, as defined below, and it applies to students, employees, and visitors;
2. Use of tobacco products in any facility on Agnes Scott College's main campus is always prohibited, including any interior space rented or leased by outside entities;
3. Use of tobacco products is prohibited in any college office located in a college-owned building;

4. Outdoor use of tobacco products is prohibited on all grounds or property owned or wholly leased by Agnes Scott that are included in the 'main campus, as defined below;
5. Tobacco use shall also not be permitted in amphitheaters; or in and within bleachers and grandstands used for spectators at sporting and other public events;
6. College-owned properties used as private residences are exempt from this policy;

Vehicles

7. Use of tobacco products is prohibited in all vehicles, private and commercial, while on Agnes Scott College property;
8. Use of tobacco products in college-owned vehicles is prohibited at all times, both on and off college property.

Compliance

Compliance with this policy is the responsibility of all members of the Agnes Scott community. Members of the Agnes Scott community (faculty, administrators, staff and students) are invited to assist in the implementation of this policy by respectfully informing tobacco users of this policy.

Repeated violations of this policy may result in disciplinary action under the *Agnes Scott Student Handbook*, Agnes Scott People and Culture Policies and Procedures, or other applicable Agnes Scott regulations or policies. Agnes Scott visitors are expected to comply with Agnes Scott's tobacco-free environment.

Agnes Scott's Commitment to the Community

Agnes Scott College is committed to assisting members of the Agnes Scott community in tobacco cessation. Agnes Scott recognizes that quitting tobacco use can be a significant personal challenge and tobacco-cessation programs are an integral component in implementing this policy. A complete listing of these resources is on the tobacco-free initiative website, under How to Quit at: agnesscott.edu/wellnesscenter/caps/.

Agnes Scott's Commitment to the Environment

Agnes Scott College is committed to protecting the environment and recognizes that as part of our mission to live honorably, we accept the challenge of environmental stewardship and leadership in sustainability. As part of this challenge, Agnes Scott recognizes the damaging affects of tobacco products on the environment. For more information on the impact of tobacco on the environment, visit: http://no-smoke.org/pdf/Environmental_Impact_of_Tobacco.pdf.

Definitions

For the purpose of the policy, the following words and phrases shall mean:

1. **Tobacco products:** All tobacco products or products that resemble the use of tobacco are prohibited. Tobacco products are defined to include but are not limited to cigarettes, e-cigarettes, vape pens, hookahs, candy cigarettes, chewing tobacco, blunts, blunt wraps, pre-wrapped blunt cones & tubes, cigars, cigarillos, bidis, cigarette packages or smokeless tobacco containers, lighters, ash trays, key chains, t-shirts, coffee mugs and any other item containing or reasonably resembling tobacco or tobacco products.

2. Agnes Scott's main campus:

- The boundaries of South Candler Street to the east, South McDonough Street to the west, East College Avenue to the north and West Davis Street to the south. The residential village (three theme houses), Department of Public Safety, West Parking facility, Candler Street Parking lot and Office of Facilities at 401 E. College Avenue are **included** in the 'main campus' scope.
- All exterior and common areas at Avery Glen Apartments and those apartments occupied by Agnes Scott College students are also included in the 'main campus' scope.

Related Links?

Wellness Center 'How to Quit' agnesscott.edu/wellnesscenter/caps/

American Lung Association, 'How to Quit' <http://www.lung.org/stop-smoking/how-to-quit/>

Environmental Impacts of Tobacco, http://no-smoke.org/pdf/Environmental_Impact_of_Tobacco.pdf

Contact Information

Wellness Center	404.471.7100
People and Culture	404.471.6384
Sustainability	404.471.6499
Public Safety	404.471.6355
Dean of Students	404.471.6391



5-4. Personal Appearance

Dress, grooming and personal cleanliness standards contribute to the morale of all employees and affect the image Agnes Scott College presents to visitors.

During business hours or when representing the college, you are expected to present a clean, neat and tasteful appearance. You should dress and groom yourself according to the requirements of your position and accepted social standards. This is particularly true if your job involves dealing with visitors in person.

The following guidelines apply:

Appropriate attire includes slacks, skirts and shirts with collars.

Appropriate attire does not include jeans, athletic attire (sweatshirts, sweatpants and gym shoes), T-shirts, spandex, casual sandals and shorts. Jeans may be worn on Fridays during the academic year and on Thursdays in the summer. Other exceptions may be made for special events or promotions. Announcements will be made in advance for these special exceptions.

Your supervisor or department head is responsible for establishing a reasonable dress code appropriate to the job you perform. If your supervisor feels your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed. Under such circumstance, you will not be compensated for the time away from work. Consult your

supervisor if you have questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be made to a person with a disability.

5-5. Solicitation

Agnes Scott College employees who supplement their earnings or fund raise for outside organizations by the promotion or sale of products and services do so entirely on their own initiative and without implied approval or endorsement by the college. All such activity, including sampling, soliciting orders and deliveries, must be conducted entirely outside of working hours.

The college reserves the right to limit such activity at its sole discretion. Questions concerning this policy should be directed to the Office of People and Culture.

5-6. Confidential Information

It is important to handle all confidential information with discretion, labeling it "confidential*", "safeguarding it when in use, filing or disposing of it properly when not in use, and discussing it only with those who have a need to know for a legitimate business reason. In most cases, college data of a personally identifiable nature shall remain secure from public disclosure (release to third parties) without specific permission from the individual to whom those data apply. All users of college data and information systems must follow the practices outlined below

Data originated or stored on college computer systems are college property. Employees will access only data that are required for their job. Employees will not make or permit unauthorized use of any college data. They will not seek personal or financial benefit or allow others to benefit personally or financially by knowledge of any data that has come to them by virtue of their work assignment.

Employees will not release college data in any format except as required in the performance of their job. Employees will not remove an official record or report, or copy of one, from the office where it is maintained, except as may be necessary in the performance of their job. They will not exhibit or divulge the contents of any record or report to any unauthorized person except in the conduct of their work assignment and in accordance with office and college policies and procedures.

Employees will not share their computer login information, including password(s) with others or leave their written password(s) in a place that could be accessible by others. If a user has reason to believe others have learned their password(s), they will report the problem to their supervisor and will take appropriate action to have the password(s) reset. Employees will not attempt to use the logins and passwords of others, nor allow their logins and passwords to be used by others.

Employees will maintain security for college data in their possession or to which they have access by protecting computer media, forms and printouts from unauthorized access and will dispose in a safe manner. Further, employees will not leave their PC signed on when unauthorized people could access it, will change their password(s) on a regular basis, and will take other precautionary measures necessary to protect and secure confidential or sensitive data.

Examples of private, confidential information include, but are not limited to: Social Security Numbers, financial information, financial aid applications, copies of tax returns, health records, birth date, home address or phone number, passwords, gender, ethnicity, citizenship, or citizen visa code, veteran and disability status, educational services received, student academic information (grades, courses

taken, schedule, test scores, advising records, etc), disciplinary actions, and student ID.

All personal and personnel information should be treated as confidential. Violation of this policy may be cause for disciplinary action up to and including termination of employment.

*Confidential data, as defined by the college includes: Information maintained on file by the college that is not designated as student directory information in accordance with FERPA. All other information is considered confidential and therefore subject to this policy.

5-7. Conflict of Interest

Situations may arise in which the private financial or business activities of an employee may conflict with the employee's obligations to the college or with the best interests of the college or may raise a reasonable question of concern in this respect. The purpose of these guidelines is to provide general direction so employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the Office of People and Culture for more information or questions about conflicts of interest.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for the employee or for a relative as a result of ASC's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts or leases, it is imperative that they disclose to an officer of ASC as soon as possible the existence of any actual or potential conflict of interest so safeguards can be established to protect all parties.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which ASC does business, but also when an employee or relative receives any kickback, bribe, substantial gift or special consideration as a result of any transaction or business dealings involving ASC.

Employees shall disclose, in writing, to their immediate supervisor and the Office of People and Culture any direct or indirect interest which such employee has or may have in any existing or proposed transaction to which the college is a party. This includes the employee being an officer, director, partner in or personally significant owner of a corporation, partnership or other business entity which is a party to such transaction. The Office of People and Culture will contact the officer in charge of the respective area to determine what actions are deemed necessary.

Situations which constitute conflicts of interest include, but are not limited to, the following:

- Holding, either directly or indirectly, a position or financial interest in an outside concern that provides services competitive with services rendered by the college, or an outside concern from which the college secures goods or services if the employee is involved in or may influence the ordering of such goods or services.

- Competing, either directly or indirectly, with the college in the purchase or sale of property or property rights, interests, or services.
- Disclosing or using nonpublic information obtained through college employment for personal profit or gain or for the profit or gain of others.
- Accepting gratuities or special favors from any outside concern that does, or is seeking to do, business with the college; or extending gratuities or special favors to employees of the college under the circumstances that might reasonably be interpreted as an attempt to influence recipients in the performance of their duties. This does not include the acceptance of items of nominal or minor value that are clearly tokens of respect or friendship and not related to any particular transaction or activity of the college.

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which ASC wishes to operate.

Annually, all budget managers are required to sign a Conflict of Interest Compliance form acknowledging their agreement to comply with the policy (see below).

The college welcomes comments or questions regarding this policy. Any employee of Agnes Scott who wishes to report an alleged violation is encouraged to do so without fear of retaliation. Question, comments or alleged violations should be reported to the vice president for people and culture at (404) 471-6435.

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CONFLICT OF INTEREST COMPLIANCE

I have read and understand the Conflict of Interest policy in the Staff and/or Faculty Handbook. I certify that I am in compliance, and have had no conflict of interest for fiscal year _____.

I do not anticipate any actions that would result in a conflict of interest in the future; however, if such a conflict arises I understand it is my responsibility to notify the appropriate personnel as outlined in the Staff and/or Faculty Handbook.

Employee's Signature

Title

Name (Please Print)

Date

Please return the completed form to the Office of Business & Finance.

5-8. Hiring of Relatives

The employment of relatives or individuals involved in a dating relationship in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. A dating relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual "romantic" or sexual relationship. This policy applies to all employees without regard to the gender or sexual orientation of individuals involved.

Relatives of employees may not occupy a position in which they will be working directly for or supervising their relative. Individuals involved in a dating relationship with a current employee may not occupy a position in which they will be working directly for or supervising the employee with whom they are involved in a dating relationship. ASC reserves the right to take prompt action if an actual or potential conflict of interest arises involving relatives or individuals involved in a dating relationship who occupy positions at any level (higher or lower) in the same line of authority that may affect the review of employment decisions.

ASC also discourages employees and their relatives or those with whom they may have a dating relationship from working together in a non supervisory situation within the same department at the college. If a relative relationship or dating relationship is established after employment between employees who are members of the same college department, they are encouraged to discuss the situation with the supervisor to determine the appropriate resolution for their particular situation.

If a relative relationship or dating relationship is established after employment between employees who are in a reporting situation described above, it is the responsibility and obligation of the supervisor involved in the relationship to disclose the existence of the relationship to the division vice president. The individuals concerned will be given the opportunity to decide who is to be transferred to another available position. If they are unable to make a decision within 30 calendar days, the division vice president will decide who is to be transferred or, if no other alternative exists, terminated from employment.

5-9. Employment Outside Of Agnes Scott College

Employees may hold outside jobs as long as such employees meet the performance standards of their position with Agnes Scott College. All employees will be judged by the same performance standards and will be subject to ASC's scheduling demands, regardless of any existing outside work requirements. Outside employment should be discussed with your supervisor.

If the college determines an employee's outside work interferes with performance or the ability to meet the requirements of ASC as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with Agnes Scott College.

Outside employment that constitutes a conflict of interest is prohibited.

5-10. Additional Appointments With The College

In general, employees hold only one (1) appointment with the college. Employees may be given an additional appointment concurrent with the primary appointment under the following conditions:

The employee has the qualifications and experience required to perform the responsibilities of the new assignment.

The supplemental activity is clearly separate and distinct from the primary work assignment, outside the scope of the primary work assignment and outside of the employee's regularly scheduled hours in the primary work assignment.

The supplemental activity is determined by the supervisor of the employee's primary assignment to be consistent with the employee's performance of his or her primary responsibilities.

Vacation time may not be used to accomplish the supplemental work.

When an employee holds a position that requires less than a full-time work week, the employee may be hired by another department for part-time duties so long as the regularly scheduled work week total hours do not exceed thirty-five (35) hours.

The employee may not provide services to the college as an independent contractor.

An employee must notify his or her supervisor of any appointments at the college. The assumption of the secondary appointment is contingent upon the approval of the employee's supervisor for the primary appointment. Offers of secondary appointments should be made to FLSA non-exempt employees first. FLSA exempt employees may only perform supplemental work when a qualified, non-exempt employee is not available and no other alternative can be found. Such assignments should be temporary and not recurring on a regular basis.

Compensation for supplemental work activities must be consistent with the college's compensation policies. All payments to individuals regularly employed by the college must be reported to the IRS as income. Income tax and social security deductions must be made from all payments for supplemental work activities.

Special rules applicable to employees who hold FLSA non-exempt positions

Employees who work in any position designated as FLSA non-exempt must be paid an hourly rate for each hour worked in any separate position.

Employees who work in any position designated as FLSA non-exempt must be paid at an overtime rate for hours worked beyond forty (40) in any one week in which they work a total of more than forty (40) hours. The overtime rate will be based on the employee's regular rate of pay for the applicable week.

5-11. Progressive Discipline

The purpose of this policy is to state Agnes Scott College's position on administering equitable and consistent discipline for unsatisfactory conduct or performance in the workplace. The best disciplinary measure is one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

Agnes Scott's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence and prepare the employee for satisfactory service in the future. In some instances, this may include the supervisor's implementation of a Corrective Action Plan (CAP) to assist the employee in correcting workplace behaviors that must be improved, steps to take for improvement and a timeline in which the improvement must occur or face further disciplinary action, up to and including termination of employment.

Although employment with the college is based on mutual consent and both the employee and the college have the right to terminate employment at will with or without cause or advance notice, Agnes Scott may use progressive discipline at its discretion.

Disciplinary action may call for any of four steps-- verbal warning, written warning, suspension with or without pay, or termination of employment-- depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.

With respect to most disciplinary problems, progressive discipline means these steps will normally be followed: a first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension; and still another offense may then lead to termination of employment.

The college recognizes there are certain types of employee problems that are serious enough to justify either a suspension or in extreme situations, termination of employment without going through the usual progressive discipline steps.

While it is impossible to list every type of behavior that may be deemed a serious offense, the Employee Conduct and Community Standards policy includes some examples of problems that may result in immediate suspension or termination of employment. However, the problems listed are not all necessarily serious offenses but may be examples of unsatisfactory conduct that will trigger progressive discipline.

By using progressive discipline, the college hopes most employee problems can be corrected at an early stage, benefiting both the employee and Agnes Scott.

5-12. References

To ensure individuals who join Agnes Scott College are well qualified and have a strong potential to be productive and successful, it is the policy of the college to check employment references of all applicants under consideration for open positions. In addition, the college conducts criminal background checks on all final candidates.

The Office of People and Culture will respond to all reference check inquiries from other employers. Responses to such inquiries will confirm only dates of employment and position(s) held.

Only the Office of People and Culture should provide references.

5-13. Acceptable Use of Electronic Resources

Scope

This policy applies to all technology resources owned or managed by Agnes Scott College.

Individuals covered by this policy include, but are not limited to, Agnes Scott faculty, staff, students, alumnae, guests or agents of the administration, external individuals and organizations accessing network services via Agnes Scott facilities

Purpose

In keeping with the college's commitment to utilize technology in the instructional, educational, research and administrative activities, this policy provides guidelines in the appropriate use of all forms of computing and technology resources at Agnes Scott College.

The use of Agnes Scott computing and technology resources is a privilege which may be revoked at any time for misuse. The college reserves the right to limit access to its resources when applicable college policies, state and/or federal laws or contractual obligations are violated. The college does not, as a rule, monitor the content of materials transported over the college's network resources or posted on college-owned computers and networks, but reserves the right to do so.

Policy

All users of college resources are expected to behave in a responsible, ethical and legal manner; respecting the rights of other computer users, the integrity of the physical facilities and all pertinent license and contractual agreements. If an individual is found to be in violation of the Acceptable Use Policy, the college will take disciplinary action, which can include the restriction and possible loss of network privileges, discipline, suspension, expulsion or termination from the college. All individuals are subject to federal, state and local laws governing many interactions that occur on the Internet.

The individual Policy statements below are followed by examples of activities that constitute prohibited use of Agnes Scott technology resources. The examples included are not all inclusive.

Agnes Scott technology resources may not be used to damage, impair or in any way cause purposeful damage to Agnes Scott networks or computers or external networks or computers. For example, you may not:

- Use Agnes Scott electronic resources to breach security of any computer system
- Share your network ID and password with any person on or off campus
- Use computer resources to send large amounts of email (e.g., email "spamming") to an

internal or external system

- Send email of any type to someone's address in an effort to disable their email capabilities
- Forge, alter or willfully falsify electronic mail headers, directory information, or other information generated and/or maintained by the college
- Use computer resources irresponsibly or in a manner that adversely affects the work of others. This includes recklessly or intentionally (1) damaging any system by introducing malware, viruses or worms, (2) damaging or violating information not belonging to you, or (3) misusing or allowing misuse of computer resources
- Use Agnes Scott College resources for non-college related activities that unduly increase the network load (e.g., chain mail, network gaming and spamming)

Agnes Scott technology may not be used for unauthorized access, reproduction or use of the resources of others. For example, you may not:

- Make unauthorized copies of copyrighted materials. You should assume all software, graphic images, music, and the like are copyrighted. Copying, downloading or uploading copyrighted materials without the authorization of the copyright owner is against the law, and may result in civil and criminal penalties, including fines and imprisonment
- Create or execute any computer programs intended to (1) obscure the true identity of the sender of electronic mail or electronic messages, (2) bypass, subvert, or otherwise render ineffective the security or access control measures on any network or computer system without the permission of the owner, or (3) examine or collect data from the network (e.g., a "network sniffer" program)
- Use resources to gain unauthorized access to resources of the college or other institutions, organizations or individuals
- Use false or misleading information for the purpose of obtaining access to unauthorized resources
- Access, alter, copy, move or remove information, proprietary software or other data files without prior authorization
- Use resources to discover another individual's password
- Use resources to obtain personal information (e.g. educational records, grades, or other college files) about an individual without their permission
- Use resources to forge an academic document
- Use resources to steal another's individual works or to misrepresent one's own work
- Use electronic communication to collude on examinations, papers, or any other academic work
- Use resources to falsify or fabricate research data
- Use resources to obtain or release another individual's or entity's proprietary information or trade secrets
- Use Agnes Scott resources for remote activities that are unauthorized at the remote site
- Intercept transmitted information intended for another user

Agnes Scott technology resources may not be used to interfere with or cause impairment to the activities of other individuals is prohibited. For example, you may not:

- Send chain email or information about pyramid schemes
- Send large quantities of email to an individual's mailbox (e.g., email "spamming") which has

the effect of interfering with or causing impairment to that individual's activities

- Change an individual's password in an effort to access their account
- Communicate or use any password, personal identification number, credit card number or other personal or financial information of a third party without the permission of such third party

Agnes Scott technology resources may not be used to harm, disparage, harass or make threats to specific individuals, or a class of individuals . For example, you may not:

- Send unwanted and repeated communication by electronic mail, voicemail or other form of electronic communication
- Send communication by electronic mail, voicemail or other forms of electronic communication that is motivated by race, ethnicity, religion, gender, or sexual orientation (including, without limitation, any communication that violates the college's policies against discrimination, harassment and the like.)
- Use email, newsgroups or social media resources to attempt to harm, disparage, threaten, stalk or harass someone
- Post or send personal or sensitive information about individuals via any form of electronic communication
- Post or distribute via any form of electronic communication "hate speech" regarding a group's race, ethnicity, religion, gender, or sexual orientation

Agnes Scott technology resources may not be used in pursuit of unauthorized commercial activities is prohibited. For example, you may not:

- Use resources for personal commercial gain, or other commercial purpose without approval by the college
- Use resources to operate or support a non-college related business
- Use resources in a manner inconsistent with the college's contractual obligations to suppliers of those resources or with any published college policy

Agnes Scott technology resources may not be used to violate city, state, federal or international laws, rules, regulations, rulings or orders, or to otherwise violate any college rules or policies is prohibited. For example, you may not:

- Install software, music or images obtained in violation of copyright or trademark laws or an applicable license agreement on any computer (collectively, "pirated materials") owned by the college
- Use any college-owned electronic resources to share, store or distribute pirated materials. This includes college computers, network resources or Internet services.
- Effect or receive unauthorized electronic transfer of funds
- Intentionally access or disseminate child pornography or other obscene material
- Violate any laws or participate in the commission or furtherance of any crime or other unlawful or improper purpose

Reporting a Violation

Members of the Agnes Scott community who believe they have witnessed or been a victim of a violation of Agnes Scott College's Acceptable Use Policy or associated policies should notify or file a complaint with the appropriate college office as follows:

- Students should report suspected violations to the Dean of Students.
- Faculty members should report suspected violations to the Dean of the College.
- Staff members should report suspected violations to their direct supervisor or the office of people and culture.

Reports of suspected unauthorized use or misuse of Agnes Scott computing or technology resources will be investigated by the Office of Information Technology with assistance from other campus offices as necessary.

Agnes Scott College prohibits taking negative action against any staff member, faculty or student for reporting a possible deviation from this policy or for cooperating in an investigation. Any staff member, faculty or student who retaliates against another staff member, faculty or student for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action.

Enforcement of a Violation

Violation of this Policy will result in action by the college . Such action may include, but is not limited to,

- Loss of computing privileges
- Honor Court action
- Discipline, suspension, expulsion or termination
- Prosecution under applicable civil or criminal laws

Questions Relating to This Policy

The examples of unauthorized use of Agnes Scott computing or technology resources listed above are not meant to be exhaustive. Questions regarding this Policy or the application of this Policy to a specific situation should be referred to the Associate Vice President for Technology. Whenever you are in doubt regarding an issue of questionable use, it is in your best interest to resolve the issue before pursuing any questionable use of resources.

Related Policies and Guidelines

Because communications encompass many different forms of communication across many different media, there are several additional college policies of which members of the campus community should be aware:

- Copyright Policy <https://www.agnesscott.edu/library/about/copyright-policies.html>
- Digital Millennium Copyright Act Policy <https://www.agnesscott.edu/its/policies-procedures/digital-copyright-act.html>
- Disciplinary Procedures for Students (Student Handbook)
- Discipline and Discharge (Staff Handbook)
- Dismissal of Teaching Faculty Policies and Procedures (Faculty Handbook)
- Electronic Mail Policy <https://www.agnesscott.edu/its/policies-procedures/electronic-mail->

[policy.html](#)

- Honor Code & The Honor Court (Student Handbook)
- Judicial Review Committee and Processes (Student Handbook, Academic Catalog)
- Password Policy <https://www.agnesscott.edu/its/policies-procedures/password-policy.html>
- Policy on Conduct and Performance (Staff Handbook, Faculty Handbook)
- Privacy Policy <https://www.agnesscott.edu/privacy-policy.html>
- Sexual Harassment and Policy Process (Student Handbook, Staff Handbook, Faculty Handbook)
- Statement of Academic Rights and Responsibilities (Faculty Handbook) \
- Statement on Academic Freedom and Responsibility (Faculty Handbook, Student Handbook)

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Policy Clarification or Modifications: Direct to the Associate Vice President for Technology

Approved: Executive Council, September 1997

Revised Date: September 2017; July 2002

5-14. Passwords

Overview

Passwords are an important aspect of computer security. They are the front line of protection for user accounts. A poorly chosen password can result in the compromise of Agnes Scott's entire campus network. As such, all Agnes Scott College faculty, staff, students, contractors and vendors with access to Agnes Scott College systems are responsible for taking the appropriate steps, as outlined below, to select and secure their passwords.

Purpose

The purpose of this policy is to establish a standard for creation of strong passwords, the protection of those passwords and the frequency of change.

Policy

General

The following password creation guidelines are based upon experience and common sense. The software used to change passwords will screen for most of these guidelines as an aid in creating secure passwords.

Passwords will expire every 120 days.

The system will notify a user upon login that their password is about to expire and give them the option to change it at that time.

- The system will keep a history of the **past six (6) used passwords** by user and will not allow the user to reuse a previously used password.
- Password resets for forgotten passwords can be done by the Help Desk, the owner of the account must come to the ITS Help Desk in Walters Hall, with a valid student or employee ID to have the account password reset.

Guidelines

A. General Password Construction Requirements

In general, a password should be as long as possible while still being easy-to-remember. The following password requirements have been established for constructing new passwords:

- All network passwords must be a minimum of **eight characters in length**.
- All network passwords **cannot contain your user account name or parts or your full name**.
- Network passwords **must contain characters from three of the following four categories**:
 - English uppercase characters (A through Z)
 - English lowercase characters (a through z)
 - Base 10 digits (0 through 9)
 - Non-alphabetic characters (for example, !, \$, #, %)

B. Password Protection Standards

The following password protection standards have been established to maintain the security benefits associated with the password change policy.

- Do not use the same password for Agnes Scott College accounts as for other non -Agnes Scott
- College access (e.g., personal ISP account, option trading, benefits, etc.).
- Don't use the same password for various Agnes Scott College access needs.
- Do not share Agnes Scott College passwords with anyone.
- All passwords are to be treated as sensitive, confidential Agnes Scott College information.
- Never reveal your password in an email message, even if asked. If someone demands your password, refer them to this document or the ITS Help Desk.

Enforcement

Any employee found to have violated this policy may be subject to disciplinary action.

Revision History

Initial Draft Version 1 06.03.2009

Final Draft Version 3 07.22.2009

5-15. Cell Phone Usage

Definition:

References to cell phones include cell phones and smart phones such as Android and iPhone that have a cell phone feature.

Purpose:

The purpose of the Cellular Phone Policy is:

To provide information regarding eligibility for issuance of a college provided cell phone.

To ensure safe work practices when considering the need to use a cell phone while driving or performing other duties.

For employees using cell phones to follow proper protocol in protecting their cell phone.

Scope:

This policy applies to staff that are issued cell phones by the college.

Policy:

A. Eligibility

With the approval of a Supervisor along with VP authorization, the college will purchase cell phones and services for employees as follows:

Each department is responsible for the purchase of cell phones and monthly services fees within their area.

Cell phones are purchased at a discounted rate with a 1 year agreement.

Monthly services include Cellular, Text and Data

Cellular plans include 400 anytime minutes that are collectively shared in a pool of minutes by all users.

The text plan is unlimited.

The data plan is unlimited.

Each cell phone is covered under warranty against malfunction for 1 year. If there is a malfunction, the cell phone will be replaced for free with a duplicate cell phone.

As we purchase new or upgrade existing cell phones, we are adding a warranty to protect against damages that will allow the college to pay a deductible of approximately \$100 for replacement.

Cell phones are eligible for upgrade after one year. The cost of the upgraded cell phone will be the discounted rate with a new 1 year plan.

All equipment purchased remains the property of the college.

If a department decides to eliminate a line, they will be responsible for paying the cost of the line until

either the 1-year agreement has been satisfied or another department takes responsibility for the line.

Employees must pay out of pocket for applications purchased from the vendor and for services over and above what is provided by the college.

B. Employee Responsibility

Employees shall comply with applicable laws regarding the use of cell phones while driving and avoid cell phone use that may jeopardize the safety of the employee or others. Such use includes texting, emailing, or verbal communication.

Cell phone Protection

It is generally recognized that cell phone transmissions are not secure. Employees must use discretion in relaying confidential or sensitive information over cell phones.

Employees shall password protect their cell phone to ensure information is not compromised in the case of loss or theft.

Employees shall contact the Office of Telecommunications immediately if their cell phone is lost or stolen so the vendor can deactivate the cell phone and prevent further usage.

5-16. Use of Social Media

Purpose

One of the many important ways Agnes Scott College can advance our mission-to educate women to think deeply, live honorably and engage the intellectual and social challenges of their times-is through the smart use of social media.

Today's emerging communications technologies afford us unprecedented opportunities to learn about what is going on in the world, share our ideas on important issues, and promote our events and accomplishments. Along with these opportunities comes a responsibility to engage social media in ways that not only support our institutional values but also enhance and protect our institutional brand.

This policy applies to anyone (faculty, staff and students) who participates in social media on behalf of Agnes Scott College on college-affiliated social media sites. Misuse of social media accounts or sites that are not college-affiliated is governed by other college policies. Individuals who participate in college-affiliated sites are responsible for understanding and following these guidelines. The college respects your use of social media, however this use can greatly impact you, your colleagues and our students. Therefore, the college encourages you to use social media responsibly to maintain the integrity of the institution.

Policies for Social Media

Creating a Social Media Account

To create an Agnes Scott College social media account, contact the Office of Communications and Marketing and provide them with the following information:

- name of the unit or individual making the request

- social media platform(s) you want to use (e.g., Facebook, Twitter, Instagram, etc.)
- purpose for creating the account
- name and contact information of the account administrator (a faculty or staff member, ideally the head of the department) who will be responsible for the account.

The Office of Communications and Marketing will use this information to ensure duplicate accounts are not created and that all pages associated with the college are similarly branded and consistently maintained. This includes following the guidelines for naming your account and using institutional logos and graphics.

All social media pages created for Agnes Scott College are the property of the college and should not be deleted or altered without first contacting the Office of Communications and Marketing.

Social Media Platforms

Social media platforms include, but are not limited to, Facebook, Twitter, Instagram, YouTube, LinkedIn, Snapchat, Tumblr, Pinterest, blogs and chat rooms. At Agnes Scott, these platforms can be created and maintained by official college entities (division, department and program pages), student organizations (organization pages), and faculty, staff and administrators (public figure pages).

Social Media Branding

Agnes Scott-affiliated social media pages must reflect the college's image distinctively and consistently. They should list the college's name first, for example, Agnes Scott Athletics (social media account's name) and @AgnesScottAthletics (social media account's handle). Social media accounts should include the college's official sub-brand log, other institutional graphics and images that comply with our visual identity policy.

Social Media Activity

All activity on Agnes Scott social media is governed by other college policies, including, but not limited, to copyright, confidential and proprietary information, FERPA, HIPAA, Title IX, acceptable use of electronic resources, and anti-harassment and anti-discrimination policies. These college policies also govern staff, faculty and students who participate as members of the Agnes Scott community on sites not managed by the college. Simply put, the college's policies should not be violated in any forum, which includes online forums like social media. All members of the Agnes Scott community are responsible for staying informed and updated about these policies by periodically reviewing them in the Employee Handbook and Faculty Handbook. If a student employee is assisting with an Agnes Scott-affiliated social media platform, the student must be aware of and follow the college's policies.

The college is committed to academic freedom as stated in the Faculty Handbook (see Policy Statement on Academic Freedom and Responsibility) and any violation of this policy will be evaluated consistently with the college's policy on academic freedom.

Take care not to position yourself as speaking on behalf of the college, and do not use official Agnes Scott-affiliated social media accounts to endorse products, services, beliefs or individuals. On your personal social media sites, you may not use Agnes Scott logos or images or the college's name to promote or endorse any product, cause or political party or candidate.

Share Appropriate Content

The content you share on an Agnes Scott-affiliated social media platform should support the purpose

for the site-in other words, be appropriate and relevant to its educational goals and interests, as well as the mission of the college. All content you post (language and graphics) should be suitable for the general public.

Do not share confidential or proprietary information about Agnes Scott and/or its students, faculty, staff and alumnae. This includes, but is not limited to, financial, recruitment, student conduct and/or people and culture data; internal strategies, reports and conversations; personal contact information, as well as college news and announcements that are managed by the Office of Communications and Marketing.

Cease Activity During Crisis

In case of a crisis or emergency, immediately cease all activity on Agnes Scott-affiliated social media platforms. The Office of Communications and Marketing will identify the message and distribution strategy for Agnes Scott's social media sites and inform account administrators when and how to resume social media communications.

Violation of the Social Media Policy

Agnes Scott College's existing disciplinary processes will apply in the event of a violation.

Agnes Scott College prohibits taking negative action against any staff member, faculty or student for reporting a possible deviation from this policy or for cooperating in an investigation. Any staff member, faculty or student who retaliates against another staff member, faculty or student for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action.

For more information about the Agnes Scott College Social Media Policy, contact info@agnesscott.edu.

Guidelines for Social Media

As a member of the Agnes Scott community, your social media interactions reflect on you as well as the college. Here are some suggested rules to remember to help navigate social media spaces with the high level of professionalism and ethics befitting you and the college.

Demonstrate Integrity

Whether you are sharing information, advancing an idea or responding to someone's comment or question, communicate with integrity. Be transparent and allow others to gain some insight into the person behind the post by clearly indicating your role at Agnes Scott-student, faculty or staff-and the department or organization you are affiliated with.

When you publish on a social media site that is not sponsored by the college, but the content relates to the college, keep in mind that others may still see you as the "voice" of Agnes Scott College. Make it clear that you are speaking for yourself by using a disclaimer, such as: "The postings on this site reflect my personal opinions and not those of Agnes Scott College."

If you have a work-related complaint, it is encouraged that you resolve the issue by speaking directly with your co-worker, supervisor or the Office of People and Culture. Guard against using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparages any member of the college community, or that might constitute harassment, bullying or accusation. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or college policy. (Source: *National Labor Relations Board*)

Avoid posting detailed policy or procedural information, such as admission guidelines or program requirements. Instead, post links to that information on the college's official website for those topics. This decreases discrepancies in the information being distributed and minimizes the need to update changes on multiple platforms.

If you are posting information about a controversial topic or research study, include disclaimers and package the information so the post cannot be shared without them. Also, do not use intellectual materials or content produced and legally owned by others without express written consent. Any photos, graphics and written content produced and owned by others must be credited appropriately.

Commit to Accuracy

While social media makes it easier to share our ideas, it should never be used to spread false or misleading information. Check and double-check your facts before you post, and cite a verifiable source for data, information and points of view that are likely to be controversial.

If you create a social media site, you are responsible for monitoring and updating it regularly to ensure it contains the latest, most accurate information. This includes acknowledging mistakes and correcting errors as soon as possible, as well as warning and, if necessary, blocking users who violate the college's social media policy.

Ultimately, effective online communication depends on effective writing. Be sure to follow the standards of good writing: Articulate a clear bottom line message; use concise, precise language; and adhere to the grammar, spelling and punctuation rules and conventions that apply to your social media platforms.

Show Respect

To ensure an informative and engaging social media environment, encourage others to post on your sites. Respond promptly and appropriately to their questions and comments with fairness, good taste and decorum. Be open to others' ideas and respect their right to express differing views. Refrain from posting or reposting profanity and offensive, derogatory or obscene words and/or phrases as well as images.

If someone makes negative comments or complaints on your sites directed at the college, often the best strategy is to not engage them. Often, other posters will comment and diffuse the situation. However, if a poster's comments are blatantly harmful or incorrect, exercise good judgment in responding. Never be defensive or explanatory. If possible, move the conversation off social media. Send the person a private message to let them know who the appropriate individual or office is on campus to contact about the issue.

Path and Filename: Shared Google Drive - Policy Work

Policy Clarification or Modifications: Direct to the Associate Vice President for Technology

Approved: President's Cabinet, October 2017

Revised Date: October 2017

5-17. Publicity/Statements to the Media

According to college policy, all media inquiries must be directed to the Office of Communications and Marketing. The vice president for communications and marketing is the official spokesperson for the college. The Office of Communications and Marketing will initiate and/or respond to all media calls, and, when appropriate, will identify other experts from the faculty, administration or student body for media interviews.

5-18. Use of Facilities, Equipment and Property

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using college property, employees are expected to exercise care, perform required maintenance and follow all operating instructions, safety standards and guidelines. Anyone operating an Agnes Scott vehicle MUST be properly licensed for the vehicle being driven.

Employees are required to notify their supervisor if any equipment, machines, tools or vehicles appear to be damaged, defective or in need of repair. Prompt reporting of damages, defects and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

5-19. Health and Safety

To assist in providing a safe and healthful work environment for employees, students, and visitors, ASC has established a workplace safety program. This program is a top priority for ASC. Its success depends on the alertness and personal commitment of all.

ASC provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications. A safety advisory committee, the Scottie Safety Committee, has been established to assist in these activities and to facilitate effective communication between employees and management about workplace safety and health issues.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, or with another supervisor or manager, or bring them to the attention of the director of facilities or the director of public safety. Reports and concerns about workplace safety issues may be made without fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including

termination of employment.

In the case of accidents that result in injury, employees should immediately notify the appropriate supervisor and the Office of People and Culture. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

5-20. Operation of College Vehicles

All employees authorized to drive Agnes Scott College-owned or leased vehicles or personal vehicles in conducting Agnes Scott College business must possess a current, valid driver's license and an acceptable driving record. Any change in license status or driving record must be reported to management immediately.

Employees must have a valid driver's license in their possession while operating a vehicle off or on Agnes Scott College property. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations. Drivers must demonstrate safe driving habits at all times.

Agnes Scott College-owned or leased vehicles may not be used for personal use and may be used only as authorized by management.

Portable Communication Device Use While Driving

Employees who drive on Agnes Scott College business must abide by all state or local laws prohibiting or limiting portable communication device (PCD) use, including cell phones or personal digital assistants, while driving. Further, even if use is permitted, employees may choose to refrain from using any PCD while driving. "Use" includes, but is not limited to, talking or listening to another person or sending an electronic or text message via the PCD.

Regardless of the circumstances, including slow or stopped traffic, if any use is permitted while driving, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while the employees are driving, and permitted by law, they must use a hands-free option and advise the caller that they are unable to speak at that time and will return the call shortly.

Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since this policy does not require any employee to use a PCD while driving, employees who are charged with traffic violations resulting from the use of their PCDs while driving will be solely responsible for all liabilities that result from such actions.

Texting and e-mailing while driving is prohibited in all circumstances.

5-21. Business Travel Expense Reimbursement

When provided with an Agnes Scott purchasing card, business expenses should be charged to college issued purchasing cards. Please refer to the Agnes Scott College Office of Accounting page: agnesscott.edu/accounting-and-budget/policies/p-card.html for details on the use of college issued purchasing cards. However, if this is not possible, Agnes Scott College will reimburse employees for

reasonable business travel expenses incurred while on assignments away from the normal work location. Regardless of payment method, the following rules apply to all college business travel.

The immediate supervisor must approve all business travel in advance. When approved, the actual costs of travel, meals, lodging and other expenses directly related to accomplishing business travel objectives will be reimbursed by Agnes Scott. Employees are expected to limit expenses to reasonable amounts. Personal charges are not permitted on company issued credit cards.

Expenses that generally will be reimbursed include the following:

- Airfare or train-fare for travel, including baggage fees, in coach or economy class or the lowest available fare.
- Reasonable cost of ground transportation to include car rental fees, shuttle or airport bus service, public transportation, taxi or car service, parking fees or mileage for use of personal car.
- Reasonable cost of standard accommodations in hotels, motels or similar lodgings.
- Reasonable cost of meals.
- Tips not to exceed 20 percent of the total service.
- Charges for internet, telephone calls, fax, and similar services required for business purposes.
- Reasonable charges for necessary laundry and valet services. (Personal entertainment and personal care-items are not reimbursed.)

Employees involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased or rented by Agnes Scott may not be used for personal use without prior approval.

As soon as possible, after travel is completed, employees should submit original receipts to the Office of Accounting.

Abuse of this business-travel-expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

5-22. Intellectual Property

Section I: PURPOSE

Agnes Scott College is committed to providing an environment that supports the creation and development of works of authorship and inventions by its faculty, staff and students. Agnes Scott has developed this Intellectual Property Policy in order to identify and protect the intellectual property rights of the College, its faculty, staff and students in such copyrightable works of authorship and patentable inventions. This Policy specifies when the Creator retains ownership of such works and inventions and instances when the College obtains ownership thereof.

Section II: DEFINITIONS

The following definitions shall apply to the terms used in this Policy.

"College" means Agnes Scott College.

"College Intellectual Property" means Intellectual Property owned by the College pursuant to this

Policy as set forth below in Section III.

"College Resources" means College funds from any source; facilities; classrooms; class time; personnel; offices; labs; studios; equipment, whether owned or leased; production facilities; computer hardware, software, support or resources; funding, grants, contracts and awards; or other College-owned resources.

"Copyrightable Works" means original works of authorship fixed in a Tangible Medium of Expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.

"Course of Employment" means where a Creator creates or develops Intellectual Property as part of his/her employment obligations or responsibilities or at the specific direction and/or under the control of the College.

"Creator" means any Faculty, Staff, Student, or other person(s) who creates, or substantially assists in the creation of, Intellectual Property subject to this Policy.

"Dispute Panel" means a panel that shall resolve disputes arising under this Policy in accordance with Section VI below. The Dispute Panel, chaired by the VPAA, shall be composed of two members designated by the Creator(s) and two members designated by the VPAA. In the event that the dispute is between two members of the Agnes Scott College community, one panel member will be designated by each disputant and two members will be designated by the VPAA. The Dispute Panel members must be current employees of the college.

"Employee" means any person hired by the college, on either a full- or part-time basis, to perform college duties. Employees include faculty, administrative and professional staff, and students who receive salaries or assistantships, work-study funds, stipends, or hourly wages while performing duties at the specific direction of, or assigned by, the college. "Employee" does not include an unpaid Student providing research assistance to Faculty or engaging in collaborative research or creative endeavors with Faculty.

"Faculty" means any person hired by the college to conduct instructional and/or teaching activities, whether on a full- or part-time basis. Faculty includes persons hired as adjunct or visiting professors and instructors.

"Intellectual Property" means, except to the extent comprising Traditional Works of Scholarship, (i) Copyrightable Works, and (ii) Inventions.

"Inventions" means any new and useful process, product, discovery, software, machine or composition of matter, or improvement thereon, whether patentable or otherwise.

"Policy" means this Intellectual Property Policy.

"Sponsor" means a third-party business or person that finances the creation of Intellectual Property pursuant to a contract or arrangement between the college and that business or person. The federal, state and municipal governments, or any agency of those governments, can be a Sponsor under this Policy.

"Staff" means any person hired by the college, on either a full- or part-time basis, to perform college duties other than teaching. Staff includes administrative and professional staff, and students who receive salaries or assistantships, work-study funds, stipends, or hourly wages while performing duties at the specific direction of, or assigned by, the college.

"Student" means any person taking one or more courses at the college, either full-time or part-time who is not paid by the college to do work.

"Substantial Use" means the significant use of college Resources, whether during or after customary college business hours. The following are examples of Substantial Use, but in no way limit or restrict the meaning: (i) extended use of time and energy by the Creator(s) in the work that results in a reduction in the expected levels of teaching, scholarship, or other activities, so that anticipated performance in these areas is at a level significantly less than normal; (ii) the use of college funds to support the work's creation; (iii) the use of other Employees in the creation of the Intellectual Property; (iv) the use of funding from gifts to the college to support creation of Intellectual Property; (v) the production of Intellectual Property under specific terms of a sponsored research grant or contract; and (vi) the use of specifically designated college funds to support the creation of the Intellectual Property involved. Normal and ordinary use of college provided office space, library resources and computers shall not constitute "Substantial Use."

"Tangible Means of Expression" includes, but is not limited to, books, periodicals, manuscripts, phonographs, films, tapes and other electronic media.

"Traditional Works of Scholarship" means Copyrightable Works or Inventions that are created independently and at the Creator's own initiative for traditional academic purposes, such as the development of courses, the teaching of classes, or scholarly research or creative endeavors considered within academia or the college to be evidence of professional accomplishment or advancement. Traditional Works of Scholarship include, but are not limited to, the following: scholarly books and articles, including books in any tangible form; course materials, including course notes, syllabi, examinations and course assignments; literary works, musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic and sculptural works; photographs, prints, diagrams, models and technical drawings; software; motion pictures and other audiovisual works, including any screenplays, teleplays or other original scripts or texts; sound recordings; and architectural works.

"VPAA" means the Vice President for Academic Affairs, the person that directs the overall planning, operation and administration of the general academic program at the college.

Section III: OWNERSHIP OF INTELLECTUAL PROPERTY

Ownership of all Intellectual Property created in whole or in part by Faculty, Staff or Students shall be subject to the following guidelines:

A. Employees:

- (i) Traditional Works of Scholarship created by a Faculty member, Staff member, or Student employee shall be owned by the Creator; provided, however, that subject to other requirements imposed by a publisher, the college shall retain a royalty-free right to use such Traditional Works of Scholarship for non-commercial, educational purposes only;
- (ii) If the college expressly directs an Employee to create or develop the Intellectual Property, or the Intellectual Property is created as a specific requirement of employment or as an assigned institutional duty, then the college shall own the Intellectual Property;
- (iii) If the Creator has voluntarily transferred the Intellectual Property, in whole or in part, to the college, with such transfer in the form of a written document signed by the Creator, then the college shall own the Intellectual Property;

(iv) If the Creator has created or developed Intellectual Property in connection with a project funded, in whole or in part, by a Sponsor, then the Intellectual Property shall be owned in accordance with the terms of any applicable contract or agreement between the college and the Sponsor. Such arrangement is to be agreed to in writing, in advance, and in full conformance with other provisions of this Policy; and

(v) Unless otherwise delineated within subsections (i) - (iv) above and if the Creator made Substantial Use of college Resources in creating or developing the Intellectual Property, then the college shall own the Intellectual Property.

B. Students:

(i) Traditional Works of Scholarship created by an unpaid student shall be owned by the Creator; provided, however, that subject to other requirements imposed by a publisher, the college shall retain a royalty-free right to use such Traditional Works of Scholarship for non-commercial, educational purposes only;

(ii) Intellectual Property created or developed by an unpaid Student (a) working with or for an Employee of the college, or (b) at the specific request or direction of the college, shall be owned by the college;

(iii) Intellectual Property created or developed by an unpaid Student in collaboration with an Employee shall be owned in accordance with the provisions set forth above in Section III.A. unless the Student and Employee agree otherwise in writing;

(iv) Intellectual Property created or developed by an unpaid Student in connection with a project funded by a Sponsor shall be owned in accordance with the terms of any applicable contract or agreement between the college and the Sponsor, regardless of whether the Student was acting as a Student or an Employee. In the absence of such an agreement, any Intellectual Property arising from such project shall be owned by the college; and

(v) Unless otherwise delineated within subsections (i) - (iv) above, Intellectual Property created or developed by an unpaid Student with Substantial Use of college Resources shall be owned by the college.

Ownership of Intellectual Property created by a Faculty member, Staff member or Student that does not fall within the guidelines set forth above, shall vest in the Creator.

Section IV: COMMERCIALIZATION

The college, in its sole discretion, may commercialize any Intellectual Property that is owned by the college in accordance with Section III and shall have the authority to decide the revenue, if any, that the college will receive as a result of such commercialization. In the absence of a written agreement to the contrary, any revenue received from the commercialization of College Intellectual Property, other than College Intellectual Property resulting from the Course of Employment, will be distributed as follows:

A. The college may, at its discretion, first deduct from revenue all or any portion of any actual expenses incurred by the college in protecting, developing or marketing the College Intellectual Property, including but not limited to legal fees and other fees paid to third parties. If the Creator objects to the amount of such expenses deducted, then he or she shall submit a written audit request to the VPAA, and the college will engage an independent auditor to determine the amount of actual

expenses incurred, provided, however, that the auditor's fees will be added to such expenses and deducted from the revenue as well.

B. After any deductions of expenses, the remaining revenue shall be distributed as follows:

(i) The first \$5000.00 shall be distributed to the Creator(s), pro rata if more than one Creator is involved; and

(ii) After the first \$5000.00 has been distributed, 50% of the remaining revenue shall go to the Creator(s), pro rata, and 50% shall go to the college.

Section V: ASSIGNMENT OF CREATOR

With respect to College Intellectual Property, the college may, upon request and in its discretion, assign ownership to the Creator subject to a perpetual royalty-free license to the College to use the Intellectual Property for its own purposes. Such requests should be submitted to the VPAA who shall decide whether to assign such ownership. The college may also accept property that is voluntarily assigned, and/or required by contract provision to be assigned to the college. The college shall determine whether to accept or reject any and all assignments of any Intellectual Property.

Section VI: RESOLUTION OF DISPUTES

A. Disputes arising over the application of this Policy, including the ownership of Intellectual Property or distribution of revenue to Creator(s), shall be brought in writing to the VPAA. The VPAA will convene a meeting of the Dispute Panel within a reasonable time thereafter to resolve such dispute. The Dispute Panel shall issue their decision in writing, providing reasons for their decision, as a recommendation to the President.

B. Either party to a dispute may appeal the decision of the President to the Board of Trustees who may, in its discretion, refer the matter to binding arbitration. The cost of the arbitration shall be borne equally by the college and the Creator(s).

Section VII: RESPONSIBILITY OF PARTIES

It is the responsibility of the college and all members of the college community to ensure adherence to this Policy.

Faculty, Employees, and Students and other Creators governed by this Policy shall have the obligation to:

Make themselves aware of and adhere to restrictions on rights in Intellectual Property deriving from agreements between the college and Sponsors;

Inform the college in a timely manner of any and all material that should be protected pursuant to the provisions of this Policy, and to cooperate with the college to obtain such protection;

Obtain written permission from the VPAA to publish, in journals or other media, use, or distribute any College Intellectual Property; and

Ensure that Students or contractors working collaboratively with or under the Faculty or Staff's direction on projects (whether or not for pay) that may result in Intellectual Property have executed the appropriate agreements concerning the assignment of rights as contemplated by this policy.

Any and all requests by any person for a clarification, explanation or determination of any of the rights and/or obligations under this Policy shall be made in writing to the VPAA. The VPAA shall

respond within a reasonable time upon the receipt of such request.

Section VIII: SEVERANCE/ CHOICE OF LAW

Any provision of this Policy which is prohibited by law, or unlawful or unenforceable under applicable law, shall be ineffective only to the extent of such prohibition, without invalidating the remaining provisions of this Policy. Where the terms of this Policy are inconsistent with applicable law, and where applicable law controls, this Policy shall be deemed to be amended to comply with applicable law. This Policy shall be construed and interpreted according to the laws of the State of Georgia.

Section IX: RESERVATION OF RIGHTS

The college in consultation with the Executive Committee of the Faculty reserves the right to modify and/or make changes, as it deems advisable at any time to this Policy. Changes shall become effective after approval by the Board of Trustees and upon publication of the revised Policy.

5-23. Protection of Human Research Subjects

All faculty, students, and staff at Agnes Scott College or external researchers who are conducting research on living human subjects will need approval from the Institutional Review Board (IRB) before beginning their research project. Please note that research includes, but is not limited to, independent research projects conducted or directed by faculty or staff, independent student research, and student research performed within a classroom context. Also note that the IRB's definition of "original research" may be broadly construed. Life histories, interviews, focus groups, surveys, and other forms of data collection may require IRB approval.

The guidelines for the protection of human research participants must be used for all research projects conducted under the auspices of Agnes Scott College that to any degree involve using human research participants. Applications and all inquiries should be sent to IRB@asc.edu. Consult the [IRB web site](#) for more information.

5-24. Copyright Policies

Use of Copyrighted Works for Education and Research

- I. [Introduction](#)
- II. [Policy of the Use of Copyrighted Works for Education and Research](#)
- III. [Copyright Protections and Fair Use Principles](#)
- IV. [Practical Assistance: Frequently Asked Questions about Copyright](#)
- V. [How to Obtain Copyright Permission](#)
- VI. [Agnes Scott College Copyright Contacts](#)
- VII. [Copyright Resources on the Web](#)

I. Introduction

The purpose of copyright, as articulated in the United States Constitution, is to "promote the

Progress of Science and useful Arts." As Agnes Scott College (ASC) realizes its mission to educate its students, and to conduct research in the arts and sciences, or engage in the performing and creative arts, we have a responsibility towards the use of copyrighted works.

As creators of copyrighted works, we appreciate the incentive that copyright holds for the dissemination and preservation of our creative efforts in order to advance and expand general knowledge. As users of copyrighted works, we honor both the opportunities for and limitations to using the intellectual property of others. We also act as significant role models for our students for the responsible use of copyrighted work in teaching, learning, research, and scholarship. We are acutely aware of the importance of striking an appropriate balance, as United States law does, between the rights of intellectual property owners to govern the dissemination and use of their works, and our need to use information quickly and efficiently in our teaching, learning, and scholarship.

II. Policy on the Use of Copyrighted Works for Education and Research

Agnes Scott College will take appropriate measures to ensure that its students, faculty, and staff are aware of copyright laws, regulations, and agreements and can act responsibly as they use information that is owned by others in the course of teaching, learning, research, or administration of the college. All members of the Agnes Scott College community are required to comply with copyright laws. [Federal copyright laws](#) provide valuable protection to the authors of original works, and Agnes Scott College expects all members of the ASC community to respect those rights.

Copyright laws also permit users of copyrighted works to make [fair use](#) of copyrighted materials under some limited circumstances. Agnes Scott College is committed to full support of the fair use of copyrighted works by the Agnes Scott College community under the provisions of applicable laws. Members of the Agnes Scott College community are expected to have knowledge of, and make reasonable application of, the four factors of fair use.

Failure to comply with copyright laws and to act in good faith in the fair use of copyrighted material will result in an Agnes Scott College community member assuming liability for his or her own actions and may result in disciplinary action.

[Return to Top](#)

III. Copyright Protections and Fair Use Principles

To help members of the Agnes Scott College community understand and comply with copyright laws, this document summarizes basic principles of copyright law including the application of the fair use balancing test.

Copyright law is inherently complex. A fair use of a copyrighted work depends upon a specific determination based upon the circumstances of the use. New information technologies, e.g., digital information and networked environments, have introduced a wholly new, and in many ways transformed, working environment for the application of copyright. These principles are intended to provide an initial context for complying with the law.

Principle 1: The copyright holder has important and exclusive rights. Copyright law protects original works such as writings, music, visual arts, and films by giving the copyright holder a set of exclusive rights in that work. These rights include the right to copy, distribute, adapt, perform, display, and create derivative or collected works. In general, any use of copyrighted materials requires [permission](#). (How to Obtain Copyright Permission) from, and potentially payment of royalties to, the copyright holder, unless the use falls within an exemption in the law, such as the [fair use](#) exemption.

Principle 2: Responsible decision making means that Agnes Scott College community members must make demonstrable good faith efforts to understand the fundamentals of copyright law and the reasonable application of fair use. When Agnes Scott College community members plan to use a copyrighted work in their teaching or research, they must examine the specifics of their use within the context of the law in order to determine whether they should seek permission for the use or depend instead upon the fair use exemption.

Principle 3: An appropriate exercise of fair use depends on a case-by-case application and balancing of four factors as set forth in a statute enacted by Congress. A proper determination of fair use--in daily practice and in the courts--requires applying these four factors to the specific circumstances of the use:

Four Factors Used to Determine "Fair Use"?	
Purpose or character of the use	Nature of the copyrighted work being used
Amount and substantiality of the work being used	Effect of the use on the market for or value of the original

These factors must be evaluated to determine whether most of them weigh in favor of or against fair use.

Principle 4: Nonprofit educational purposes are generally favored in the application of the four factors of fair use, but an educational use does not by itself make the use a "fair use." One must always consider and weigh all four factors of fair use together. The educational purpose of Agnes Scott College will usually weight the first of the four factors, the purpose or character of the use, in favor of fair use. However, an educational use does not mean that the use is, by that factor alone, a fair use. All four factors must be weighed in making a decision.

Principle 5: Reasonable people--including judges and legislators--can and will differ in their understanding of fair use. Copyright law rarely offers a definitive meaning of fair use for any specific application. Thus, the real meaning of fair use depends on a reasoned and responsible application of the four factors. One person's judgment and situation may not match the next, and the differences may be based on variations in facts and circumstances.

Principle 6: By acting responsibly and by making considered and intentional decisions, you can limit your potential liability; [document](#) your reasoning for a fair use. Because of the flexible and interpretive nature of fair use, Congress provided significant protection for educators. Not only does the fair use exception apply particularly to educational purposes, but additional laws may limit the monetary liability that educators may potentially face. In any event, however, educators must hold a reasonable and good-faith belief that their activities are fair use in light of the four factors. By documenting your application of the four factors of fair use to your specific use, you will be better able to demonstrate your activities were done in good faith.

Principle 7: Guidelines, while sometimes helpful, do not determine the entire breadth and scope of fair use protection. In an attempt to clarify the meaning of fair use for common situations, various private parties have negotiated guidelines, but those externally developed guidelines are sometimes inappropriate for the realistic application of fair use to higher education. Such guidelines may be consulted by courts in making fair use determinations, but the guidelines are not binding either as limiting permissible activity or as providing safe harbors. Fair use must be determined according to the circumstances of each situation.

[Return to Top](#)

IV. Practical Assistance: Frequently Asked Questions

Practical assistance to explain concepts in these concepts is available in various ways:

- The [fair use checklist](#) is a tool for conducting and documenting your fair use analysis
- Common classroom scenarios are outlined [here](#).
- Video tutorials are also available [here](#).

Determining the Copyright Status of a Work

Q. How do I know if a work is under copyright or in the public domain?

A. First examine the work for a copyright statement. Then consult [Is it Still in Copyright](#) from Stanford University.

The Four Factors of Fair Use? Q. Can you provide more detail about the four factors that determine fair use?

A. Fair use balances the rights of copyright holders with the needs of scholars to promote teaching, research and the free exchange of ideas. Fair use defines particular circumstances in which it is permissible to use copyrighted material, free from permissions and royalties. The four factors considered in weighing fair use are:

1. The purpose and character of the use. Use in nonprofit, educational teaching and research, or for criticism, commentary or news reporting, makes a finding of fair use more likely; commercial use makes a finding of fair use less likely. However, not all educational uses are fair uses.
2. The nature of the copyrighted work. Using works that are factual (e.g., historical data, scientific information, etc.) tends to weigh in favor of a finding of fair use; creative or unpublished works tend to indicate the need for copyright permission.
3. The amount and substantiality of the portion used. Use of small portions of a work usually favors a finding of fair use as long as the portion does not constitute "the heart of the work." The more material used the greater the balance away from fair use.
4. The effect of the use upon the potential market for the work. Use that substitutes for the purchase of a book, reprint, or subscription weighs against a finding of fair use.

Clearly these factors are subject to varying interpretations and applications. For further guidance, see a [Fair Use Analysis Checklist](#)

Q. Isn't any use in an educational setting considered fair use?

A. Unfortunately not. Purpose and character of the use (i.e., educational) is only one of four factors determining fair use. Educational use does favor fair use but other factors may weigh against fair use (e.g., nature of the work, amount copied, effect on the market).

Uploading Course Materials on Moodle

Q. May I put electronic copies of course readings on my Moodle site without copyright permission?

A. Yes, in accordance with these guidelines:

- Use materials in the public domain freely.
- Use material freely if you own the copyright (e.g., exams, syllabi, notes).
- Use the McCain Library [Journal Locator](#) to find full text articles to link to from your syllabi.

Whenever possible, link to documents available through McCain Library subscriptions rather than downloading them onto your Moodle site. Put the stable or persistent URL link on your Moodle syllabus, for example:

http://0-search.ebscohost.com.sophia.agnesscott.edu/login.aspx?direct=true&db=eoh&AN=1292607&site=eds:live

- Keep items used under fair use up for only one semester AND restrict your website to enrolled class members only. Remember: more stringent guidelines may apply to images, graphics, video, sound, etc.

Q. Could you give me examples of fair use of printed materials?

A. Some common scenarios are given [here](#).

Q. May I link to other websites from my home page or from Moodle?

A. Generally, this is permitted. Include an acknowledgement to the author or creator.

Q. What about other kinds of materials for classroom use (e.g., video, audio, images)?

A. Consult these examples related to [video recordings](#) and [multimedia](#).

For fair use images, try:

- [Wikimedia Commons](#): All images and other media files on this site are freely reusable without permission.
- [Flickr](#): Advanced search options allow searches for Creative Commons-licensed images.
- [Compfight](#): This Flickr search engine includes a filter to only show Creative Commons-licensed images.
- [Wordle](#): Create word clouds easily.

Obtaining Copyright Permission

Q. How do I get copyright permission when needed?

A. See [Section V](#), below.

Copyrighting Your Own Materials

Q. How do I copyright my own materials?

A. Copyright protection is automatic for materials "fixed in a tangible medium" (i.e., written, recorded, etc.). If you wish to register your copyright, go to the [U.S. Copyright Office website](#). This is not required but may help if you wish to file a complaint about copyright violation.

Special Situations

Out of print works

Q. Is it okay to photocopy a book that is out of print?

A. No, many out of print books are still protected by copyright. Check with McCain Library about buying a copy through the out of print/used book market or borrowing a copy through interlibrary loan.

Video, Film and Software

Q. May I show a video labeled "Home Use Only" to my class?

A. Yes, this is considered permissible in face-to-face teaching for instruction (but not entertainment).

Q. May I show a video labeled "Home Use Only" in a campus auditorium?

A. Yes, as long as the performance is not open to the public [or to students not enrolled in the course] and is for instructional purposes.

Q. May I show videos owned by McCain Library for a film series?

A. Only if the library purchased public performance rights for each video/DVD you intend to use. Ask a librarian if you need assistance.

Q. May I copy a rental video or a preview copy to use later?

A. No.

Performance (music, dance, drama)

Q. Because Agnes Scott College is a non-profit educational institution, aren't performances of music, dance, and drama allowable under fair use?

A. This is a complex area of the law. In general, performances in the classroom are permitted; any kind of public performance requires permission and/or payment of royalties. Consult with the Music or Theatre and Dance departments for more information.

Software

Q. Do fair use provisions also apply to software?

A. No, software is almost always licensed and the license stipulates use. Fair use does not apply.

Q. I often make a back-up copy of software. Is this okay?

A. Generally, yes, as long as you retain the copy as a true back-up and only use it when the original fails.

Q. Is it alright to load single-user license software on several computers?

A. No, you need to buy multiple copies or be licensed for multiple users.

Q. May I borrow software to download on my home/office computer?

A. No, unless the software license specifically permits this.

[Return to Top](#)

.V. How to Obtain Copyright Permission

Class handouts, photocopies for library reserves, online posting (e.g. Moodle)

Each faculty member is responsible for obtaining or arranging to obtain copyright permissions for classroom handouts, photocopies for library reserve use, or online posting of materials (e.g., on Moodle). Since the process can be slow, especially when dealing directly with a publisher, we recommend that you submit requests for permissions at least six weeks before the material is needed. If permission is denied, or cannot be obtained in time, alternate material must be found.

For assistance identifying or locating publishers, search [Google](#) or [The Serials Directory](#), [The Copyright Clearance Center](#), or ask for search assistance from the McCain Library [reference desk](#), x6096 or Faculty Services, x6030.

Coursepacks

If you wish to use a course pack, please contact one of the vendors suggested [here](#).

[Return to Top](#)

.VI. Agnes Scott College Copyright Contacts

For Questions About:

Contact:

Copyright Law or Fair Use

[Liz Bagley](#), x5277, McCain Library
[Casey Long](#), x6343, McCain Library

Digital Millennium Copyright Act (DMCA)

[Neta Counts](#), x6483, Information Technology Services

Online Teaching

[Casey Long](#), x6343, McCain Library

Course Reserves

[Christopher Bishop](#), x6337, McCain Library

Questions about use of other materials:

Images

[Casey Long](#), x6343, McCain Library

Audiovisuals, Multimedia, Software

[Emily Gwynn](#), x6313, Educational Technology Services

[Return to Top](#)

.VII. Copyright Resources on the Web

[Fair Use Checklist](#) (Columbia University)

[Fair Use Checklist](#) (University System of Georgia)

[Copyright Term and the Public Domain in the United States](#) (Cornell University)

[Limitations on Exclusive Rights: Fair Use](#) (Cornell Law School, Legal Information Institute)

[U.S. Copyright Law: A Guide for Music Educators](#) (National Association for Music Education)

[Copyright Crash Course](#) (University of Texas)

[Copyright & Fair Use: Charts and Tools](#) (Stanford University)

5-25. Digital Millennium Copyright Act

The [Digital Millennium Copyright Act \(DMCA\)](#) is legislation enacted by the United States Congress in October 1998 that made major changes to the US Copyright Act. These changes were necessary in part to bring US Copyright law into compliance with the World Intellectual Property Organization (WIPO) Copyright Treaty and the WIPO Performances Phonograms Treaty. The DMCA also strengthened the legal protection of intellectual property rights in the wake of emerging new information communication technologies.

Agnes Scott College complies with the provisions of the Digital Millennium Copyright Act (DMCA). Distribution of copyrighted materials without permission can be a violation of federal law. Music, movies, video, or games that are downloaded via file sharing networks like KaZaA, Gnutella, Napster, Blubster, and eDonkey, are typically distributed without the permission of the copyright owner, and thus these downloads are illegal. The federal government and various organizations are very serious about enforcing the DMCA legislation and provisions. Violations of DMCA provisions can carry stiff fines and potential jail sentences. Agnes Scott College neither condones nor supports in any way the use of copyrighted material in ways in which it was not intended.

What should Agnes Scott faculty, staff and students do?

Very simply, do not download or distribute copyrighted materials without appropriate permissions. If you wish to download copyrighted material, find out how to acquire it legally and take appropriate steps to ensure your computer is not used for illegal file sharing.

Resources

- Campus Downloading FAQ
- Campus Downloading video
- [Agnes Scott copyright course](#)
- [Government copyright site](#)
- Campus Downloading list of legal download sites
- [Copyright Crash Course](#)
- [University of Colorado Copyright Information](#)
- [Comic book about copyright](#)

This policy is made part of Agnes Scott College's [Policy on Acceptable Use of Electronic Resources](#).

The designated agent to receive notification of claimed infringement under Title II of the DMCA for Agnes Scott College is:

LaNeta M. Counts
Associate Vice President for Technology
141 E. College Avenue
Decatur, GA 30030
Telephone: 404 471-6483
E-mail: lccounts@agnesscott.edu

5-26. Whistleblower

Agnes Scott College is committed to living honorably and to providing members of the campus community with "opportunities for ethical reflection, deliberation and action." In line with this commitment, the college expects all employees to perform their duties in accordance with applicable laws and regulations, college policy and procedures and high ethical standards. It is committed to compliance with all applicable laws and regulations and seeks to promulgate and administer college policies and procedures that faithfully apply such laws and regulations. A culture of compliance promotes ethical practices and creates a foundation for the honorable treatment of all members of the college community and those who conduct business with the college.

1. Purpose

The purpose of this policy is to encourage and enable good-faith reports by college employees and others of observed or suspected misconduct or noncompliance with law or with college policies and procedures.

2. Scope

This policy is intended to encourage and enable employees and others who have good-faith serious concerns about misconduct, including violations of law, regulations or college policies and procedures or other conduct ("misconduct") to raise them with the college before seeking external resolution. This policy is not intended to supplant, but rather to complement and supplement, existing college policies. It thus does not affect any rights, responsibilities or procedures set forth in other college policies addressing misconduct. For example, complaints or grievances such as those regarding discrimination or harassment, other personnel and employment matters, academic and disciplinary matters, academic freedom, research misconduct and other matters as to which there are specific college policies should ordinarily be made and addressed in accordance with the college policies applicable to such matters and applicable law.

3. Reporting Responsibility

Each member of the college community shares responsibility for stewardship of college resources and compliance with laws and policies. Therefore, college faculty, staff and students are encouraged to report, in accordance with this policy, any misconduct by college employees or actions of other parties that may result in financial loss or other harm to Agnes Scott College of which they may become aware. For purposes of this policy, a Reporting Person is any employee or student who makes a report under this policy.

4. Guidance on Reporting

An employee who has a question about the propriety of any practice under college policies or procedures should ordinarily seek guidance from his or her supervisor or a college official with compliance oversight responsibility for the particular policy or procedure. An employee may also seek guidance from the vice president for business and finance or the associate vice president for people and culture.

5. Confidentiality

A Reporting Person may request that a report made under this policy be handled as confidentially as possible under the circumstances. Although the college will endeavor to handle all such reports with discretion and due regard for privacy, other obligations and considerations may preclude the college from maintaining confidentiality in all circumstances.

6. Anonymous Reports

A Reporting Person may make an anonymous report. However, it should be understood that any investigation may be hampered or be impracticable if the Reporting Person cannot be identified and questioned about the allegations and related facts.

7. Persons to Whom Reports May Be Made

A Reporting Person ordinarily should report suspected misconduct to his or her immediate supervisor. If the Reporting Person feels it is inappropriate to report to an immediate supervisor, the Reporting Person should raise the issue with another person with supervisory authority, such as his or her manager, department chair, dean, director or the college officer or official responsible for overseeing compliance with the policy or procedure at issue. If a Reporting Person believes further reporting is appropriate, a written report under this policy may be made to the following offices:

Reports about a staff member may be filed with the college's Office of People and Culture, Attn: associate vice president for people and culture.

Reports about a faculty member may be filed with the Office of the Dean of the College, Attn: vice president for academic affairs and dean of the college.

Reports about a student may be filed with the Office of the Dean of Students, Attn: vice president for student affairs and dean of students.

Reports involving the president, a vice president or a trustee of the college, or any report concerning accounting practices, finances, internal controls, inappropriately managed conflicts of interest and/or auditing may be submitted to the chair of the Audit Committee of the Agnes Scott College Board of Trustees, by submitting the report, in an envelope addressed to the Chair of the Audit Committee, to the Office of the Secretary of the Board. Reports submitted in this manner will be delivered to the chair of the Audit Committee for evaluation.

8. No Retaliation

No individual who in good faith reports a violation or suspected violation shall thereby suffer harassment, retaliation or adverse employment and/or academic or educational consequences. An employee who retaliates against someone who has made a report in good faith under this policy is subject to disciplinary action, up to and including dismissal from the college. Individuals who believe they have suffered retaliation may report it to one of the reporting venues identified above.

Reports made in bad faith or with knowledge of their falsity may subject individuals to disciplinary or other appropriate action. Making a report under this policy shall not insulate an individual from personnel or other actions that are warranted based on performance or other factors and are not caused by the making of a complaint under this policy.

9. Document Retention

The Office of the Vice President for Business and Finance will document the processing and, as appropriate, resolution of reports made under this policy and shall retain such documents in a secure location.

10. Resolution of Reports of Misconduct

Reports of misconduct submitted to members of the campus administration listed in section 7 of this policy shall be reviewed by the president in consultation with the other officers of the college. The college officers will decide on a course of action to investigate and resolve the matter in accordance with applicable college policies and procedures and will take corrective action as warranted.

Reports submitted to the chair of the Audit Committee of the Board of Trustees shall be reviewed by the Audit Committee in executive session. The Audit Committee shall exercise discretion in determining whether to conduct further review, initiate an investigation, refer the matter to a college office or take other steps as warranted.

When a case has been resolved, a brief report on its resolution shall be shared with appropriate individuals or departments as well as with the Reporting Person. An annual report on all cases submitted to college officers under this policy shall be shared with the Audit Committee.

The vice president for business and finance is responsible for implementing this policy. Ultimate responsibility for oversight of this policy rests with the Audit Committee of the Board of Trustees.

5-27. Substantive Change

Agnes Scott College is committed to maintaining compliance with the substantive change policy and procedures of the Southern Association of Colleges and Schools as delineated in Substantive Change for Accredited Institutions of the Commission of Colleges. Agnes Scott recognizes the responsibility of the Commission on Colleges to review substantive changes that occur between decennial reviews. The college will notify the Southern Association of Colleges and Schools Commission on Colleges of significant modification or expansion of the nature and scope of the college and, when required, seek approval prior to the initiation of changes. If unclear as to whether a change is substantive in nature, the college will consult with Commission staff.

Substantive changes as defined by the Commission on Colleges include but are not limited to:

Any change in the established mission or objectives of the institution

Any change in legal status, form of control, or ownership of the institution

The addition of courses or programs that represent a significant departure, either in content or method of delivery, from those that were offered when the institution was last evaluated

The addition of courses or programs of study at a degree or credential level different from that which is included in the institution's current accreditation or reaffirmation.

A substantial increase in the number of credit hours awarded for successful completion of a program

The establishment of an additional location geographically apart from the main campus at which the institution offers at least 50 percent of an educational program

The establishment of a branch campus

Closing a program, off-campus site, branch campus or institution

Entering into a collaborative academic arrangement such as a dual-degree program or a joint-degree program with another institution

Acquiring another institution or a program or location of another institution

Adding a permanent location at a site where the institution is conducting a teach-out program for a closed institution

Entering into a contract by which an entity not eligible for Title IV funding offers 25 percent or more of one or more of the accredited institution's programs.

Additional information is available on the SACSCOC website at

<http://www.sacscoc.org/SubstantiveChange.asp>.

The requirements for substantive changes vary according to the type of change.

Some changes simply require that the Commission be notified in advance of the

implementation of the change. The letter of notification should include the name of the actual change, implementation date, street address if it involves a new site, and the credential being offered.

Larger scale changes, such as adding significantly different programs to the academic curriculum or offering a majority of the coursework needed to complete a degree or certificate online, require written notification at least six months in advance and approval of a prospectus, which must be submitted at least three months prior to the anticipated implementation date.

Institutions seeking to offer coursework at a more advanced level than that for which they are currently approved must notify the Commission of their intent at least 12 months in advance, and submit an application for level change by April 15 for review at the June meeting of the SACSCOC Board of Trustees or by October 1 for review at the December meeting.

If an institution decides to close an educational program, approved instructional site, branch campus or the entire institution, it must choose one of the following options: it must teach out currently enrolled students or enter into a contract for another institution or organization to teach out the educational programs or program. Teachout plans and teach-out agreements must be approved in advance of implementation by SACSCOC.

Certain types of substantive changes, such as adding branch campuses, level changes, mergers/consolidations and changes in governance require a visit by a substantive change committee to determine continued compliance with the Principles of Accreditation: Foundations for Quality Enhancement. When a committee visit has been authorized by the President of the Commission, the institution will be asked to provide documentation of the impact of the change on selected requirements in the Principles of Accreditation. This review may be combined with an institution's decennial reaffirmation review or may accelerate the institution's reaffirmation schedule.

The initiation or revision of programs not offered for academic credit and that are not eligible for federal financial aid does not require reporting; however, such programs are subject to review at the time of reaffirmation of accreditation.

Fees are assessed by the Commission to review an application or prospectus for substantive change.

Responsibilities and Procedures

All tenured and tenure-track faculty members and all director-level staff members in the Office of the President and the Academic Affairs division of the college are required to familiarize themselves with this policy, which may be found in the Faculty Handbook. In order to ensure our compliance with SACSCOC requirements, all proposers of new programs, degrees and other major initiatives must review the [SACSCOC policy on substantive change](#).

The Office of the President is responsible for monitoring any proposed changes in the legal status, form of control, or ownership of the institution or the established mission or objectives of the institution.

The Office of the Vice President for Academic Affairs is responsible for monitoring curricular revisions and changes in academic program offerings, including method of delivery and location, under consideration to identify changes that may be substantive in nature and may require reporting to or prior approval by SACSCOC. The vice president for academic affairs must notify the accreditation liaison and the president of the college of the potential substantive change in a timely manner.

In the event of a substantive change, the president of the college will send written notification to the president of the Commission on Colleges in accordance with the requirements of the type of

substantive change. The accreditation liaison will work with all involved parties to prepare the letter. Should a prospectus, application for level change or teach-out plan or agreement be required, vice president for academic affairs will oversee the process for preparing the required document(s).

Failure to Comply

If an institution fails to follow SACSCOC substantive change policy and procedures, it may lose its Title IV funding or be required by the U.S. Department of Education to reimburse it for money received by the institution for programs related to the unreported substantive change. In addition, the institution's case may be referred to SACSCOC Board of Trustees for the imposition of a sanction or for removal from membership.

5-28. Hazardous Materials In The Workplace

In cooperation with the Hazard Communication Standard (HCS) issued by the Occupational Safety and Health Administration (OSHA), Agnes Scott College charges each supervisor and manager with the responsibility to ensure each container of hazardous chemical(s) on our campus is clearly labeled, tagged or marked with the identity of the chemical and the appropriate hazard warnings; to maintain copies of Safety Data Sheets (SDSs) for each hazardous chemical in our workplace and keep them in an area readily accessible to the employee work areas. Further, our supervisors and managers are required to inform employees of any hazardous chemicals in their workplace when initially hired and whenever a new hazard is introduced.

Employees most likely to come into contact with hazardous materials include those working in the chemistry department, biology department, physical plant, and public safety. Hazardous chemicals most likely to be present on campus include those used for experiments in the chemistry and biology laboratories; those used by landscaping for grounds maintenance; by custodians for cleaning and disinfecting; by painters in paints and solvents, and by other physical-plant employees for maintenance purposes.

Employees are responsible for notifying their supervisors and/or public safety immediately if they notice any unlabeled containers or leaking substances. They are also required to wear recommended or issued personal protective equipment (PPE) and/or clothing when handling hazardous materials.

Public safety will coordinate appropriate training programs and inspections of the work sites, and will facilitate emergency procedures if an incident takes place on campus. The Office of People and Culture will assist public safety with employee education and provide communication support to supervisors and department heads.

5-29. Life-Threatening Illnesses In The Workplace

Employees with life-threatening/incapacitating illnesses, such as cancer, heart disease, severe mental illness and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. Agnes Scott College supports these endeavors as long as employees are able to meet acceptable performance standards. The college will make reasonable accommodations, in accordance with legal requirements, to allow qualified employees with life-threatening/incapacitating illnesses to perform the essential functions of their jobs.

Medical information on individual employees is treated confidentially. Agnes Scott will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

Employees with questions or concerns about life-threatening/incapacitating illnesses are encouraged to contact the Office of People and Culture for information and referral to appropriate services and resources.

5-30. Evacuation Procedures

In the event of certain emergency situations, a timely evacuation could save lives.

During emergencies (fire, tornado, bomb, etc.) and respective drills, all employees will follow the directions of the public safety officers and/or the building captains and respond accordingly. Building captains are assigned to each building and can be identified by their orange vest during an emergency.

Failure to follow the directions of a public safety officer and/or building captain in an emergency or drill could result in possible disciplinary action.

5-31. Auto Registration

If a vehicle is parked on campus, it must be registered with the Office of Public Safety at a cost of \$100 per year or \$60 per semester. A vehicle hand tag must be displayed on the rear view mirror. The vehicle must be reregistered at the beginning of each academic year.

Vehicles must be parked only in designated parking areas. Unauthorized parking in reserved spaces, handicapped spaces, or in restricted zones will result in a parking fine, wheel-lock and/or the vehicle being towed at the registrant's expense.

If a registrant believes the citation to be unfair or illegal (with regard to parking regulations as stated), he/she can appeal, in writing to the director of public safety within 5 business days of receiving the citation. The director of public safety will notify the registrant of the decision to sustain the fine or grant the appeal.

Further details on parking can be obtained from the Department of Public Safety and its parking rules and regulations publication.

5-32. Consensual Sexual Relationships

Definitions

- **Supervisory/advisory relationship** includes teaching, grading, advising, mentoring, evaluating or supervising research; participating in decisions on academic status; managing teaching assignments; participating in decisions on funding or other resources affecting students; writing a letter of reference or otherwise recommending for admission, employment, fellowships or awards.

- Employees whose jobs confer **influence or authority** over undergraduate or graduate students or other learners include counselors; athletic coaches; staff involved in discipline; staff providing services directly for students; staff with the ability to access or modify a student's academic, work, financial or other record; and staff working in deans' offices or academic affairs or advising.
- A **sexual, intimate or romantic relationship** is any intimate, sexual, or other type of romantic or amorous relationship, whether casual or serious, short or long term, (and whether or not consensual). A single sexual encounter is considered a sexual relationship under this policy. Conversely, the relationship does not have to include physical intimacy if a romantic relationship exists that is beyond the reasonable boundaries of a collegial or professional relationship. If there is any doubt whether a relationship falls under this policy, individuals should seek guidance from their supervisor or an ASC people and culture professional.
- **Undergraduate student** means any student at ASC who does not have a college degree, regardless of registration status. The term "undergraduate student" includes high school students; ASC undergraduate students during the summer or on a leave of absence; visiting, exchange and special students; and summer school students. **Graduate student** means any student at ASC who has an undergraduate degree, regardless of registration status, including visiting, exchange and special students, and ASC graduate students on leave.

Relationship Policies and Expectations

1. Among employees:

Sexual, intimate and/or romantic relationships ("sexual relationship(s)") (even consensual ones) between college employees and those they supervise are potentially exploitive because of the imbalance of power inherent in them. Employees must avoid relationships that pose threats to the fulfillment of their professional duties or call into question the consensual nature of their relations. Faculty and staff are expected to comport themselves in a manner consistent with their position and the college's mission at all times and in all relationship matters while at work.

The college prohibits employees from supervising, evaluating, or determining the terms or conditions of employment of anyone with whom they have a sexual relationship. When a sexual relationship exists between any employees in a supervisory/advisory relationship, immediate steps must be taken to terminate the supervisory arrangement, and alternative means of supervision must be implemented.

If employees in a supervisory/advisory relationship have had a sexual relationship in the past or have a continuing or past intimate relationship, either party may request that alternative means of supervision be implemented.

Any employee who violates this policy will be subject to disciplinary action, up to and including termination of employment.

2. Among undergraduate students and faculty:

Sexual relationships between faculty members and undergraduate students are inconsistent with the mission of the college and inappropriate because they carry a risk of damaging the student's educational experience and the faculty member's career. The college thus prohibits sexual relationships, even of a consensual nature, between faculty members and currently enrolled undergraduate students. Faculty members are strongly advised to exercise their best professional

judgment concerning student-faculty relationships and to consider that intimate relations with students, even of a non-sexual nature, can be fraught with difficulties and the appearance of impropriety.

3. Among graduate students and faculty:

The college discourages sexual relationships between graduate students and faculty members not in the same program. The college prohibits sexual relationships, even of a consensual nature, between faculty members and graduate students in the same program or students whom they supervise/advise, evaluate, or teach.

4. Among undergraduate and graduate students and non-faculty employees:

For the same reasons that faculty are prohibited from having sexual relations with students, Agnes Scott College prohibits non-faculty employees from having sexual relationships with undergraduate or graduate students whom they employ, supervise, evaluate, counsel, advise, potentially discipline, or might reasonably be expected to have influence or authority over that individual.

For relationships that are not prohibited between non-faculty employees and students, the relationship must be disclosed in the course of any college-related discipline, people and culture matter, Title IX matter or any other college proceeding, in which the relationship may have relevance.

5. Prior relationships:

The foregoing policies do not apply to persons whose consensual sexual relationships existed prior to their enrolling or being employed at Agnes Scott College. If a teaching or supervisory relationship exists between persons with such a prior relationship, this relationship must be disclosed and, alternative means of supervision must be implemented.

6. General conduct:

The college's mission, and employment terms, support honorable behavior and the observation of the highest community standards of conduct that protect the interests and safety of all constituencies at the college.

7. Violations of this Policy:

All faculty and staff at Agnes Scott College should understand that romantic or sexual relations with students or employees in violation of this policy may lead to disciplinary action by the college, up to and including dismissal and/or may lead to legal action by complainants/reporting parties.

Process for Investigating Violations of the Consensual Sexual Relations Policy

A. Initiation of a report or complaint

1. Timeliness: Reports and complaints of a violation of the consensual relationships/professional conduct policy should be initiated as soon as possible after the violation(s) occurs in order to aid effective investigation. All reports and complaints will be promptly investigated and appropriate action will be taken to remedy the problem as expeditiously as possible.

2. Non-retaliation: Anyone who submits a report ("reporting party") or complaint ("complainant") will be protected from retaliation in any form. Anyone who knowingly makes false accusations will be subject to appropriate disciplinary action consistent with college policies and procedures.

3. Confidentiality: The college will respect the privacy of reporting parties and complainants, of

persons against whom a complaint is made ("responding parties"), and of witnesses in a manner consistent with the college's duty to investigate and take appropriate action.

4. Due process and fairness: The college will make every reasonable effort to protect the rights of both reporting parties/complainants and responding parties.

5. Initial report: All students and employees should report a violation of the consensual relationships/professional conduct policy about which they have credible evidence to a college vice president or the associate vice president for people and culture or their designee. No one should assume that an official of the college already is aware of any given instance of alleged violation of the consensual relationships/professional conduct policy. Any member of the college community who knows of or receives a complaint of a violation of this policy should report the information or complaint to a college vice president or the associate vice president for people and culture.

6. Informational meeting: Anyone having credible evidence of a violation of the consensual relationships/professional conduct policy should meet with a college vice president and/or the associate vice president for people and culture (or designee). At this meeting, the reporting party/complainant should explain the basis for the report. The vice president or associate vice president (or designee) should explain the college's policies and procedures regarding consensual sexual relationships/professional conduct. The vice president and/or associate vice president (or designee) should clarify for the reporting party the types of information that will automatically initiate further procedures.

7. Informal resolution: After discussing the report of a violation of the consensual relationships policy with the reporting party/complainant, if the vice president or associate vice president believes that the situation might be best resolved informally, or that the conduct does not violate the college's policy on consensual relationships/professional conduct, or that the complaint rests on misperceptions or miscommunication, the vice president and/or associate vice president (or designee) may attempt an informal resolution of the report or complaint. This attempt at informal resolution may include further fact-finding, consultation with involved parties or other reasonable means to resolve the situation or remedy the conduct informally. If informal resolution is attempted, however, the identity of the reporting party will be kept confidential, unless the reporting party gives permission to divulge their identity, and no resolution will be imposed that is not agreed to by all parties involved. Informal investigations and resolution attempts may be terminated at any time by the filing of a written complaint. In any event, the informal resolution process must be concluded as soon as possible after the informational meeting, unless extended by consent of the reporting party and the responding party(s). Information and accusations contained in reports or gathered in the process of informal investigations shall be kept in a confidential file in the Office of People and Culture. Information about an individual in this file may be accessed for the purpose of investigating future reports of a violation of the consensual relationships/professional standards policy, but may not be used as a basis for making personnel decisions. Records of informal resolutions shall be kept in a confidential file in the Office of People and Culture and may be used as a basis for future personnel decisions only with the consent of the reporting or responding party to the informal resolution.

8. Written complaint: At any point before or during the process of informal resolution any person having knowledge of a violation of the consensual relationships/professional conduct policy may initiate a formal process of investigation and resolution by filing a written statement explaining the basis of the complaint. Any college vice president or the associate vice president for people and culture (or designee) may initiate formal procedures to investigate and resolve conduct suspected of

constituting a violation of the consensual relationships/professional conduct policy on the basis of substantial credible evidence. Past reports of a violation of the consensual relationships/professional conduct policy alone do not constitute substantial credible evidence; the vice president or associate vice president must have evidence about current conduct to file a complaint. If the vice president or associate vice president (or designee) initiates the process of investigation and resolution, they must also put in writing the complaint and explanation of the substantial credible evidence that warrants the initiation of the investigation and resolution process.

B. Investigation of the written complaint:

It is the intent of this policy that any complaint or allegations that involve a formal investigation, for consistency reasons, will follow the same policy and protocols associated with the Agnes Scott College Gender-Based Discrimination, Harassment and Sexual Misconduct Policy ("Title IX Policy"). **If the complaint or allegations are not governed by Title IX laws and regulations, for ease of administration, the process will be similar but may employ more flexibility in areas not governed by Title IX.**

You may find the Title IX Policy and Protocols found here, on page 16:

<https://www.agnesscott.edu/wellnessandsafety/title-ix-sexual-misconduct-policy.html>

At the conclusion of the investigation:

1) The College will provide an Initial Report of Factual Findings ("Initial Report") to the Reporting parties/complainants and Responding party. This is a confidential document. The parties should not discuss or disclose the contents of this Initial Report with others on campus, with the exception of their advisors.

2) Each party will have two (2) business days to conduct a review of the Initial Report, and to provide a written response. The Reporting parties/complainants and the Responding party shall have an opportunity through a written response to address the facts set forth in the Initial Report to point out anything they contend to be inaccurate. A written response is not mandatory.

The first business day of this two-day review period will be the business day following the day the Initial Report is electronically provided to the parties. (Saturday, Sunday and holidays observed by the College are not business days. Thus, if the Initial Report is sent to the parties by e-mail on a Friday, responses to the report will be due at 5:00 p.m. on the following Tuesday.)

3) Should either party submit a written response to the Initial Report, the investigators will review and consider the written response within two (2) business days.

4) After considering any written response from the parties, the College will have five (5) business days to provide a written Final Investigative Report to the Reporting party/complainant and the Responding party. This is a confidential document. The parties should not discuss or disclose the contents of this Final Investigative Report with others on campus, with the exception of their advisors.

The **preponderance of the evidence standard** will be used by the College and/or investigators in the Final Investigative Report.

The Final Investigative Report will set forth (a) the investigator's findings and conclusions, (b) recommended sanctions, if any, to be taken against the Responding party as a result of the complaint(s), and (c) other measures, if any, to prevent recurrence of any sexual misconduct against the Reporting party/complainant or others.

5) The parties shall have two (2) business days after receiving the Final Investigative Report to submit a written objection to its conclusions and recommended action, if any, against the Responding party.

6) If neither party objects to the conclusions and recommended action as set forth in the Final Investigative Report, the complaint(s) will be resolved pursuant to that document and the investigation will be closed. There will be no appeal rights if the matter is resolved at this stage.

(7) *If an objection is submitted by either party, the matter will be sent to the Agnes Scott College Investigation Board if the Responding party is a faculty member or employee.*

- Each party will receive a timely notice of the objection informing them that the Investigation Board or Hearing Panel will be convened as soon as practicable.

Composition of the Agnes Scott College Investigation Board. The Board shall be comprised of the officer who supervises the person named as the Responding party, the AVP for HR, the chair of the Faculty Executive Committee and one additional member chosen from the Responding party's constituency (if a faculty Responding party, a second faculty member to be named by the Faculty Executive Committee; if a staff Responding party, a second staff member to be named by the Staff Council) The officer shall serve as Chair of the investigation board.

1. **Hearing.** The Investigation Board shall conduct a thorough, fair, and expeditious hearing based on all the evidence collected throughout the investigative process resulting in the Final Investigative Report. The hearing generally is closed and typically includes only the Reporting party/complainant (if they elect to attend), Responding party, key material third parties (only in atypical cases where board deems it necessary beyond the information contained in the Final Investigative Report). Both parties will be given the opportunity to address the Final Investigative Report with the board. Beyond this opportunity, the manner in which the hearing is conducted and the information considered solely is within the discretion of the board. The participants may appear sequentially and the Reporting party/complainant may not be required to appear at the same time as the Responding party, or at all. Neither party may directly question the other but each may submit questions to the board for consideration.

At its discretion, the board may seek further written evidence and interview witnesses who, in the opinion of the board, can shed light on the merits of the complaint(s) and the conduct of the Responding party. The parties shall have the right to suggest any additional witnesses/interviews and additional information to the investigation board that in their opinion can provide valid and relevant evidence not previously presented. The parties may also suggest questions to any witnesses, but questioning shall be done solely by the chair of the investigation board, whose judgment about the appropriateness and wording of questions, after consultation with other board members they deem necessary, shall be final. The board shall retain the authority to consider any and all information in the determination of responsibility and in the imposition of sanctions.

If there is a determination of responsibility, the Reporting parties/complainants may provide to the

board a written impact statement prior to the issuance of sanctions. The impact statement will only be permitted during the sanctioning phase following the determination of responsibility. An impact statement is not required but encouraged by the College.

The preponderance of the evidence standard will be used by the Investigation Board.

Notice of Outcome. Within five (5) business days of the conclusion of the hearing, the College will inform the parties of the Investigation Board's decision by electronic transmission of a Notice of Outcome.

The Notice of Outcome to the Responding party will identify (a) the Investigation Board's findings and conclusions, (b) the recommended sanctions, if any, to be taken against the Responding party as a result of the complaint, (c) other measures, if any, to prevent recurrence of any misconduct against the Reporting party/complainant or others, (d) the opportunity to accept responsibility within two (2) business days, and (e) appeal procedures. The Notice of Outcome to the Responding party will not identify remedial measures or accommodation solely relevant to the Reporting parties/complainants.

The Notice of Outcome to the Reporting party/complainant will identify (a) sanctions or measures, if any, relevant to the Reporting party/complainant, and (b) appeal procedures. If the Responding party is found responsible for sexual violence, the Notice of Outcome to the Reporting party/complainant will additionally include all sanctions.

Conflict of interest. If any member of the investigation board is a party to the complaint or has any other conflict of interest that would prevent them from adjudicating the complaint in a fair and impartial manner, the President of the College will decide the existence of such a conflict and designate a substitute of similar status to serve on the investigation board. If for any reason it is not appropriate or possible for the President to do so, the chair of the board of trustees will designate a substitute.

D. Appeal Rights

The parties may appeal the Notice of Outcome by submitting a written notice within two (2) business days of its receipt. The first business day of this two-day review period will be the business day following the day the Initial Report is electronically provided to the parties.

All protective measures or accommodations imposed or maintained by the Investigation Board will be in effect during the appeal process.

An appeal may be based on one of the following grounds:

- a) The existence of new facts that (i) were not available throughout the investigation process, and (ii) may have materially affected the Investigation Board's decision if they had been available at the time of the investigation;
- b) Evidence that procedures set forth here (i) were not followed, and (ii) that the failure to follow these procedures may have materially affected the Investigation Board's decision;
- c) That the sanction imposed was outside the range of sanctions authorized by the Agnes Scott College Consensual Relationships/Professional Conduct Policy; and/or
- d) That legal rights as provided to a party were violated.

No other issues may be included within an appeal.

The appeal must be timely received in-person or electronically by the associate vice president for people and culture, Karen Gilbert, at KGilbert@agnesscott.edu or in their office located in Hopkins Hall.

. The AVP will then review the written appeal to determine its timeliness and whether it raises one of the permissible grounds for appeal as set forth above.

. If the AVP determines that the appeal is untimely or that it has not raised a permissible grounds for appeal as set forth above, the appeal will be rejected and the Notice of Outcome from the proceeding will be rendered final.

. If the appeal is timely and it has raised a permissible grounds for appeal, the President of Agnes Scott College shall review the appeal (to include the Final Investigative Report, Notice of Outcome and sanctions to be imposed), and, may review any documents or statements presented throughout the investigation and adjudication process.

. The President may accept, reject, or modify the finding and/or sanctions based upon one or more of the permissible grounds for appeal.

. The President or her designee will communicate her decision, in writing, to the AVP, who will forward the decision to the Responding party and the Reporting party/complainant.

. The appeal decision shall be final.

D. Sanctions and Protective Measures

Interim measures during the course of investigation. At any point after the filing of a written complaint, the President of the College may place the responding party on administrative leave with pay or suspend the responding party without pay. Summary suspension shall be imposed only when, in the judgment of the President, the responding party's presence on campus would constitute a threat to the safety and well-being of members of the campus community. Before implementing the suspension, the Responding party shall be given written notice of the intention to impose the suspension and shall be given an opportunity to present oral and written arguments against the imposition of the suspension. If the Responding party is suspended, the formal process should be completed within the shortest reasonable time possible, not to exceed ten working days. During the suspension, the Responding party may not enter campus without obtaining prior permission from an officer of the college.

Other interim measures may include supervisor notification, adjustment of reporting structure and any reasonable steps to minimize the impact of the alleged violation of the Consensual Relationship/Professional Conduct policy, or in extreme cases to end, prevent recurrence and remedy the impact of any sexual misconduct. All sanctions and remedial actions identified below are available to the College as an interim measure. Interim measures may also become permanent accommodations following the conclusion of the formal proceedings.

Imposition of remedial actions, protective measures or sanctions. The College may impose the following actions, measures or sanctions on an interim or permanent basis:

- Verbal or written warning. In the discretion of the College, the warning will be noted in the employment record of the Responding party.
- No contact letter
- Providing an escort

- Adjustment of work schedule
- Supervisor notification
- Adjustment of supervisory or reporting structure
- Referral to or provision of counseling (EAP, etc.)
- Referral to police and/or community services
- Sensitivity training and educational programming
- Paid leave
- Unpaid leave
- Suspension or denial of use of the College services and facilities
- Dismissal from employment (for dismissal of faculty, see below)
- Any of the sanctions and/or protective measures listed for students in the governing Agnes Scott College Title IX Sexual Misconduct Policy

Failure to timely and fully comply with sanctions or remedial actions may constitute a separate violation of the Sexual Misconduct Policy or this protocol.

Suspension or dismissal of faculty. The College's decision to suspend or terminate a full-time faculty member holding a continuous appointment or a probationary or term contract before its expiration is a recommendation only and triggers the procedures for dismissal for cause under Dismissal of Teaching Faculty Policies and Procedures.

E. Resolution Time Frame. Within 60 days of notice to the College of potential sexual misconduct, unless the Responding party has been suspended (see preceding paragraph), the time period is extended by the consent of the Reporting party/complainant and the Responding party or extenuating circumstances, the investigation board shall make appropriate and well-grounded findings regarding the factual basis of the complaint. (Notice of Outcome)

F. Documentation. The AVP for HR is responsible for keeping a record of the entire formal complaint process, including all complaints, answers, written evidence, notes from hearings, other documentary evidence from the investigation and appeals processes, and documentation of remedial actions taken and any evidence concerning their effectiveness. This record shall be maintained in a confidential file in the Office of People and Culture, and shall be available to managers and RPT committees for use as appropriate in making personnel decisions

5-33. If You Must Leave Us

Should an employee decide to leave Agnes Scott College, we ask that he or she provide at least two (2) to four (4) weeks advance notice of departure. Thoughtfulness will be appreciated.

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. These are some of the most common circumstances for employment terminations:

- * Resignation - voluntary employment termination initiated by an employee.
- * Discharge - involuntary employment termination initiated by the organization.
- * Retirement - voluntary employment termination initiated by the employee meeting age, length of

service, and any other criteria for retirement from the organization.

Generally, an exit interview with the associate vice president of people and culture is scheduled prior to the last day worked. The exit interview is an opportunity to discuss issues such as employee benefits, conversion privileges, repayment of any outstanding debt to the college, or return of ASC-owned property. It is also an additional opportunity for an employee to voice any suggestions, complaints and questions he or she may have.

Since staff employment with Agnes Scott College is based on mutual consent, employees and ASC have the right to terminate the employment relationship at will, with or without cause or advance notice, at any time.

Benefits are affected by termination in several ways. All accrued, vested benefits that are due and payable at termination will be paid out in accordance with ASC's regular pay schedule. Some benefits may be continued at the employee's decision and expense. Employees will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations for continuing them.

5-34. A Few Closing Words

This handbook is intended to give employees a broad summary of things they should know about Agnes Scott College. The information in this handbook is general in nature and, should questions arise, any member of management should be consulted for complete details. While we intend to continue the policies, rules and benefits described in this handbook, Agnes Scott College, in its sole discretion, may always amend, add to, delete from or modify the provisions of this handbook and/or change its interpretation of any provision set forth in this handbook. Employees should not hesitate to speak to management if they have any questions about Agnes Scott College or its personnel policies and practices.

5-35. Business Ethics and Conduct

The successful operation and reputation of Agnes Scott College is built on the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The continued success of the college is dependent on the trust of all constituencies, and we are dedicated to preserving that trust. Employees owe a duty to the college, its constituents and the community to act in a way that will merit the continued trust and confidence of the public.

ASC will comply with all applicable laws and regulations and expects its officers and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor and, if necessary, with the Office of People and Culture for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every ASC employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment.

The college welcomes comments or questions regarding this policy. Any employee of Agnes Scott who wishes to report an alleged violation is encouraged to do so without fear of retaliation. Question, comments or alleged violations should be reported to the associate vice president for people and culture at (404) 471-6435.

5-36. Electronic Mail Policy

Purpose

To ensure the proper use of Agnes Scott College's email system and inform the campus community what the college deems as acceptable and unacceptable use of the campus email system.

The policy applies to:

- All email services provided by Agnes Scott College
- All users and holders of college email accounts or systems, regardless of the intended use; and
- All college email Official Records and/or Public Records in the possession of or generated by college employees and other users of email services provided by the college, regardless of whether the records were generated on college or non-college computers.

Mandatory Policies for Electronic Mail

All members of the Agnes Scott College community (faculty, staff, students, retired faculty and staff, and alumnae) are provided an email account in order to facilitate the timely exchange of information. Your account is provided as a service to you as a member of the college community.

The college email system is a business communication tool and you are expected to follow college policy and guidelines in using this tool in a responsible, effective, lawful manner.

Administrative offices use email as an official communication tool to students. Messages that fall within this category will have a subject line of Official College Communication.

The following use of the Agnes Scott College email service is prohibited:

- Send or forward messages that:
 - contain defamatory, offensive, harassing or obscene remarks
 - violate copyright law
 - intend to harm or disparage the college, members of the Agnes Scott community or others
 - disrupt or interfere with the college's email system, which includes distribution of chain letters, spam to external or internal audiences, or any activities that create or spread viruses

- constitutes, fosters or promotes pornography
- appear to represent, provide opinions, or otherwise make statements on behalf of the college or any unit of the college unless expressly authorized to do so
- Access or attempt to access another user's email account without authorization or in an attempt to falsify email messages
- Use the college email for private business, commercial or partisan political or lobbying activities, fundraisers or advertising not associated with Agnes Scott College; or unlawful activities that violate any of the college's policies.

The above list is not intended to be exhaustive but rather to provide some illustrative examples.

Violations of the email policy will be handled through the normal college disciplinary procedures. Harassing messages and other illegal activity conducted via email may also be reported to the appropriate local, state and/or federal authorities.

Users are responsible for protecting their own passwords and login information.

Legal

Any written form of communication is governed by laws. Therefore, it is important that users are aware of the legal risks of sending email. You are held liable if you:

- Send or forward email with any defamatory, offensive, harassing or obscene remarks
- Forward confidential information or messages without permission
- Knowingly send attachments that contain a virus

If the guidelines and procedures set out in this policy are disregarded, the user will be held solely liable for any legal risk associated with their misuse of the college's email system.

Confidentiality

Agnes Scott cannot guarantee the confidentiality of email. Users should **not** assume email is confidential and are advised to not send confidential communications via email. Electronic mail is treated like other college records and is retained in accordance with state and federal laws.

Privacy

The office of the registrar may elect to publish student email addresses, phone numbers, etc. as directory information, consistent with the requirements of the Family Educational Rights and Privacy Act (FERPA). Individual students may, request that the college not treat their address as directory information. Requests should be directed to the office of the registrar. Email should not be considered private and there is no guarantee of privacy. While email accounts are password protected, if effective password procedures are not followed by the account holder, unauthorized access may be gained to an account.

Electronic mail content may be accessed by support personnel with appropriate:

- end-user authorization while performing routine support operations or working on user problems
- security or legal authorization while protecting the integrity of the college's computing systems and the rights and property of the college.

Personal Use

Although the college's email system is meant for business use, the college allows for the reasonable, incidental personal use of email under the previously identified guidelines, provided it does not interfere with your work or obligations to the college and is not used for personal business. All messages distributed via the college's email system, even personal emails, are college property, and are subject to access consistent with this and other college policies and applicable laws. Use of the college email services does not carry with it any reasonable expectation of privacy.

Email Distribution Lists

To ensure email remains an effective means of campus communication, the following rules are in effect to minimize the overuse of broadcast email and diminish the effectiveness of the email communication channel. Plan ahead and publish your events and announcements in *The Irvine*, college social media sites and through the campus calendar. Key individuals throughout campus are authorized to send to any email distribution list based on their roles.

Managed Lists

- Only approved individuals are able to send messages to the list
- Members of the list cannot send messages to the list.
 - #ASC Community list
 - The President's Office approves non-members of the list who can send to the list.
 - To submit a request to have a message *considered* for sending to this list, email your request to lHUDSON@agnesscott.edu with the subject line of: Email-#ASC
 - #Students & class lists (#2019.)
 - The Vice President for Student Affairs approves non-members of the list who can send to the list.
 - To submit a request to have a message *considered* for sending to this list, email your request to sRAMIREZ@agnesscott.edu with the subject line of: Email-#Students.

Members Only Lists

- Only members of the list can send messages to the list.
 - Student Organization lists
 - The Associate Director of Student Activities manages the list membership.
 - To submit a request to have a message *considered* for sending to this list, email your request to lRENSICASEY@agnesscott.edu with the subject line of: Email-Student Org
 - Full-time Faculty; #Part-time Faculty; #Tenure Track Faculty lists
 - Full-time faculty will be members of the Part-time Faculty list for sending mail.
 - The Vice President for Academic Affairs approves non-members of the list who can send to the list

- To submit a request to have a message *considered* for sending to this list, email your request to deanofthecollege@agnesscott.edu with the subject line of: Email-#Faculty
- #Staff; #Retired Faculty; #Retired Staff lists
- The Office of People and Culture approves non-members of the list who can send to the list.
- To submit a request to have a message *considered* for sending to this list, email your request to the kgilbert@agnesscott.edu with the subject line of: Email-#Staff

Best Practices for Electronic Mail

- Information sharing, events and non-emergency announcements must be published in *The Irvine* and the Campus Calendar.
- Campus-wide emails should affect the entire campus or everyone within a distribution list.
- Avoid sending corrections and reminders - take the time to get the message right the first time and promote your deadline or event using the Campus Calendar and *The Irvine*.
- Always include a descriptive subject line.

Path and Filename: W:\Compsvcs\Policy-Procedure\Email\Email-Policy.doc
Policy Clarification or Modifications: Direct to the Associate Vice President for Technology
Approved: Executive Council, September 2006
Revised Date: September 2017; July 2009

General Handbook Acknowledgment

This Employee Handbook is an important document intended to help employees become acquainted with Agnes Scott College. This document is intended to provide guidelines and general descriptions only; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because Agnes Scott College's operations may change, the contents of this Handbook may be changed at any time, with or without notice, in an individual case or generally, at the sole discretion of management.

The employee Handbook includes important information about Agnes Scott College, and I understand that I should consult the Office of People and Culture regarding any questions not answered in the Handbook.

I have entered into my employment relationship with ASC voluntarily and acknowledge there is no specified length of employment. Accordingly, either I or the college can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the Handbook may occur, except to ASC's policy of employment at will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this Handbook.

I have received and read a copy of Agnes Scott College's Employees Handbook. I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of Agnes Scott College at any time.

I further understand that my employment is terminable at will, either by myself or Agnes Scott College, with or without cause or notice, regardless of the length of my employment or the granting of benefits of any kind.

I understand that no representative of Agnes Scott College other than the President may alter "at will" status and any such modification must be in a signed writing.

I understand that my signature below indicates that I have read and understand the above statements and that I have received a copy of Agnes Scott College's Employee Handbook.

Employee's Printed Name: _____

Employee's Signature: _____

Position: _____

Date: _____

The signed original copy of this acknowledgment should be given to management - it will be filed in your personnel file.

