This Manual has been prepared for the guidance of employees and supervisors at Miles College. It is not intended to form and is not a contract or a part of any contract between Miles College and its employees. The Manual only describes Miles College’s general Philosophy concerning personnel procedures and may be modified or altered unilaterally by Miles College at any time.
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**PREFACE**

This is the Handbook of personnel policies, procedures, and benefits for non-faculty personnel of Miles College. While it is not intended to state all conditions in details, it will provide you with basic information pertaining to key policies and benefits which may be affected by government and state regulations, administrative directives or other forces.

The purpose of this handbook is twofold: (1) to provide clarifying information on working conditions so that there will be a better understanding among the employees, and (2) to impress upon you the need for superior work performance in doing your job daily. Administration, faculty, and indeed all staff members of the College should be committed to the pursuit of excellence in the manner of preparing men and women to live more effectively as both producers and consumers in a democratic society.

The effectiveness of the College as a whole depends upon the cooperation and dedication of all staff members working as a team to achieve excellence in education and research. To those individuals with whom you come in contact everyday, you are the College. People judge us not only by the students we graduate, but also by the courtesy of our personnel, the neatness of our letters, the cleanliness of our buildings, and the beauty of our grounds. The contribution of each employee is, therefore, vital to the success of the entire College.

Consequently, as an employee of the College, you will want to become well-informed about the organization within which you will be working, its employment practices, benefits and facilities, privileges offered and the related responsibilities you will be expected to accept.

*Hopefully, this Handbook will be a useful and convenient source of information for you.*
2. FOR THE NEW EMPLOYEE

2.1 INTRODUCTION

Miles is a church-related College, founded in 1905 by the Colored Methodist Episcopal Church, now the Christian Methodist Episcopal Church. The College is still generously supported and affiliated with the C.M.E. Church, and although the curriculum, faculty and student body are nondenominational, it remains the constant guiding purpose of Miles College to prepare its students for lives of Christian service.

The institution is a four-year accredited co-ed Liberal Arts College, with approximately 1700 students. The College is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools and the Alabama State Department of Education and other Professional Associations. Graduates of Miles are awarded a State of Alabama Class B Certificate in either Elementary and/or Secondary education.

Miles College is located in Fairfield, Alabama, adjoining Birmingham, six miles west of the downtown area.

2.2 HISTORY

The history of the College dates back to 1898 when the Colored Methodist Episcopal Church in Alabama began efforts to establish an institution of collegiate rank. At that time, there were only two (2) Conferences in the State, the Alabama and North Alabama. Each Conference made an effort to build an institution and for some years each of these Conferences operated separate schools, one at Thomasville, established in 1898, and the other at Booker City (now Docena), established in 1902.
The Thomasville High School served as a feeder of Miles College for several years after it was organized. The College is generally considered to have developed from the high school operated at Booker City by the North Alabama Conference of the C.M.E. Church. In a sense, however, it may be considered a merger of the two schools. The Board of Trustees at a meeting in 1905 took actions creating the present Institution.

In the Spring of 1907, the Board of Trustees decided to extend the scope of the School’s influence and work. Acting on this decision, they exchanged the Booker City site for the present site – consisting of 30 acres situated in the western limits of Birmingham – and erected a large brick building, along with one or more frame buildings. The work of the institution as a College was begun in the Fall of 1907. In 1908, the organization of the Institution was completed and chartered under the laws of the State of Alabama as Miles Memorial College, in honor of Bishop William H. Miles. By vote of the Trustees, in 1941, the name of the College was changed to Miles College.

The College has had fourteen (14) Presidents:

- James A. Bray    1907 – 1912
- William A. Bell   1912 – 1913 (First Term)
- John A. Gilbert   1913 – 1914
- George A. Payne   1914 – 1918
- Robert T. Brown   1918 – 1922
- George L. Word    1922 – 1926
- Mack P. Burley    1926 – 1931
- Brooks Dickens    1931 – 1936
- William A. Bell   1936 – January, 1961 (Second Term)
- Lucius H. Pitts    1961 – 1971
- W. Clyde Williams 1971 – 1986
- Leroy Johnson     1986 – 1989
- George T. French, Jr. 2005 – Present
The College is governed under the auspices of the Christian Methodist Episcopal Church, with an interracial Board of Trustees. In the beginning, the College has had the financial and advisory aid of the Methodist Episcopal Church, South. Under the Methodist union, this assistance has been continued. In all respects as to service and attendance, the Institution is nondenominational. Persons of all faiths, including those of no particular faith are welcomed to attend.

2.3
MISSION STATEMENT

Miles College is a Christian Methodist Episcopal Church related, historically Black four-year liberal arts Institution founded in 1905 to provide leadership to the Black Community. This mission has been expanded to include an emphasis on the personal development of the individual who, upon graduation from Miles, will possess an understanding of his or her own mission in a global society.

Miles College is fully accredited by the Commission on Colleges of the Southern Association of Colleges and schools. This accreditation gives credence to the College’s ability to provide a strong educational program for its students.

The College aims to utilize the best of its rich heritage in providing an environment that is Christian and intellectual. The College endeavors to create this environment through research-based programs and services. While the College maintains a liberal open-door admissions policy, it also actively recruits students from diverse backgrounds (academic, social, economic, and racial) who manifest academic potential and ability for academic achievement at the collegiate level.

To fulfill its commitment to educate students from diverse circumstances, the College provides developmental courses, tutorials, specialized laboratories and honors programs that enhance the traditional liberal arts curriculum. Teaching is under girded by a strong advisement system and student centered experimental approaches to learning.
Also, instruction is provided by a caring faculty that is committed to nurturing students’ self-esteem, creativity, and humanitarian interests. Further, the College intends to produce students who possess critical and ethical perspectives about a global and pluralistic society.

Moreover, the College is dedicated to providing community oriented programs and leadership to the community. Faculty and students are encouraged to engage in action research and other activities for the purpose of resolving societal issues and problems.

To fulfill its mission, Miles College seeks to graduate students with the following attributes:

1. Proficient in using standard communication skills (speaking, writing, reading, and listening)
2. Skilled in critical and creative thinking
3. Skilled in problem solving
4. Capable of appreciating the arts
5. Competent in career areas that allow them to become productive members of society
6. Sensitive to cultural differences (history, and language, customs)
7. Respectful of religious creeds in general and the Christian ethics in particular
8. Competent in at least one major field of study
9. Motivated for lifelong learning

The faculty and staff are serious about their commitment to the College’s mission. Thus, all of the College’s activities have a direct relationship to the personal development of individual students.

2.4

WHAT IS EXPECTED OF YOU
Your work is important to the college. You should never doubt your value as a conscientious, reliable employee. Development of your skills and proficiency in performing your duties are vital. Only through the personal efforts of each employee can we expect to achieve our objectives of excellence in teaching, research and community service. Belief in the importance of our mutual objectives of service to the College community and the importance of your duties, whatever your work, is essential to successful and meaningful employment at Miles College.

2.5
ORGANIZATION AND RESPONSIBILITIES OF THE CHIEF ADMINISTRATIVE OFFICERS

2.5.1
PRESIDENT

The President is the Chief executive and administrative officer of the College and is vested with full executive and administrative authority, subject to the approval and direction of the Board of Trustees.

Serving directly under the President are four (4) principal officers:

1. The Academic Dean
2. The Business Manager
3. The Director of Institutional Development and Planning
4. The Dean of Students

The College Chaplain and the Assistant to the President are Staff positions. These persons are attached to the President’s Office and are under his direct supervision.

2.5.2
ACADEMIC DEAN
The Academic Dean of the College is the principal academic officer and senior vice president of the College. This person is directly responsible to the President for the following areas: curriculum; instructional and research programs; faculty development; development of academic budget requests; and supervision of the Library and Adult Studies programs.

2.5.3
BUSINESS MANAGER

The Business Manager is the chief administrative officer under the President in charge of all business and financial affairs of the College. This person is responsible for financial accounting; preparation of financial reports; administration of the endowment funds, management of investments and the College budget. This person also handles the maintenance of the physical plant; supervises personnel management programs, purchasing, administrative computer services, bookstore, and Post Office.

2.5.4
DIRECTOR OF INSTITUTIONAL DEVELOPMENT AND PLANNING

The Director of Development is responsible for Institutional Research, Institutional Planning, and for the external relationships of the College with the churches, alumni, foundations, governmental agencies, local communities, and the individuals who in a variety of ways support the College. Within this authority there is specific responsibility for public relations and work with alumni. One primary responsibility is the development of funds for current, capital, and special programs of the College.

2.5.5
DEAN OF STUDENTS
The Dean of Students is the chief administrative officer under the President responsible for student life on campus. Responsibilities include supervising the areas of student services and activities (which include student organizations, discipline and Greek organizations), residence life, athletics, physical fitness and recreation, and student counseling and placement.
3.
EMPLOYMENT SERVICES

3.1
AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY

The following is a statement with respect to affirmative action and equal employment opportunity which has been adopted by Miles College.

“Miles College hereby reaffirms its policy of equal employ opportunity. The college is expressly committed to a program of affirmative action in maintaining and promoting non-discrimination in all aspects of recruitment and employment of individuals at all levels throughout the College. Specifically, it is the intent of the college to recruit, hire, and promote all personnel without regard to race, color, religion, sex, age, national origin, handicapped status, or marital status.

All employment actions will be decided upon the individual’s qualifications, merit, and professional ability and in conformance with all current Institutional and legal requirements. All personnel actions, programs, and facilities will be administered in accordance with equal employment opportunity policy, including recruitment, selection, assignment, classification, promotion, demotion, transfer, layoff and employment, selection for training or retraining, and social and recreational programs.

The President may appoint various committees from time to time to keep him advised on the status of equal employment and affirmative action at Miles College. In addition, the Personnel Officer has been appointed as affirmative Action Officer for the academic and non academic personnel. Affirmative action Officers serve as an extension of the President’s Office and is directly responsible for the administration of the Affirmative Action Plan.”

“EQUAL EMPLOYMENT OPPORTUNITY IS THE LAW”
**RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN**

Title VII of the Civil Rights Act of 1964, as amended, prohibits discrimination in hiring, promotion, discharge, pay, fringe benefits and other aspects of employment on the basis of race, color, religion, sex or national origin. Employees of private institutions are also protected.

**AGE**

The age discrimination in Employment Act of 1967 prohibits age discrimination and protects applicants and employees aged 40-70 from discrimination in hiring, promotion, discharge, pay, fringe benefits and other aspects of employment. The law covers most private educational institutions.

**SEX (Wages)**

In addition to the sex discrimination prohibited by Title VII of the Civil Rights Acts, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in payment of wages to men and women performing substantially equal work in the same establishment.

**HANDICAP**

Americans with Disabilities Act, as presented prohibits job discrimination because of handicap and requires affirmative action to employ and advance in employment of “qualified” handicapped individuals, who with reasonable accommodation can perform the functions of the job.
VIETNAM ERA AND DISABLED VETERANS


3.2
EMPLOYMENT PROCEDURE (Modified 11-05)

JOB DESCRIPTION

Prior to the announcement of any position, the College develops a complete and accurate job description for the position. The job description contains the following elements of the position:

a. duties and responsibilities
b. required education and work experience
c. required licenses, certification, or other credentials
d. any and all other special qualifications or requirements

PROCEDURES FOR RECRUITING AND SELECTING SUPPORT PERSONNEL

1. The position announcement will be prepared and approved by the appropriate administrator for posting
2. The position announcement will be advertised in appropriate local newspapers
3. The position announcement will be listed in the Office of Human Resources
4. The position announcement will be listed with the State of Alabama Employment Offices
5. The appropriate administrator will review all completed applications to determine if the applicants meet the minimum requirements specified
6. All applicants who meet the minimum requirements will be evaluated based upon the information contained within their applicant file. Applicants will be placed in rank order and the top candidates will be invited for an interview.

7. When applicants have been interviewed and evaluated according to the uniform non-discriminatory employment standards, the appropriate administrator will recommend in writing the candidate for hire and submit to Human Resources.

3.3 ORIENTATION

The Human Resources Office through a general orientation program instructs all new employees. All new employees are expected to attend the orientation session. This orientation includes information necessary to the new employee for them to become comfortable and productive as soon as possible. Central orientation by Human Resources is followed by specific position orientation by the supervisor. This includes specific work hours, lunch times, break times, specific requirements of the position, and an opportunity for the new employee to ask questions.

3.4 ORIENTATION PERIOD

The first six (6) months of employment of support personnel is considered an Orientation period. During this time, employees have an opportunity to learn more about their assignments and determine whether or not they are satisfied with the position. At the same time, the supervisor has an opportunity to determine whether or not the employee has the ability and desire to perform the job assignments. Under unusual circumstances, this period may be extended to three (3) additional months to allow the supervisor more time to evaluate the employee’s work performance.
3.5

EMPLOYMENT STATUS

All employees are classified at the time of employment as to full-time regular, full-time temporary or part-time status.

3.5.1

FULL-TIME REGULAR EMPLOYEES

Individuals in this category have indefinite appointments and are required to work regular forty - (40) hours per week.

3.5.2

FULL-TIME TEMPORARY EMPLOYEES

Full-time Temporary employees are individuals who work for a limited period of time. The contractual period is usually less than one year, but may be longer depending on the specific project or group assignment. Persons in this category are not eligible for benefits.

3.5.3

PART-TIME REGULAR EMPLOYEES

These are employees who work on a part-time basis for a period less than thirty-five (35) hours per week. Employees in this category are not eligible for benefits or paid vacation, sick leave, or holiday pay.
3.5.4
PART-TIME TEMPORARY EMPLOYEES

This category of employees applies to those who work irregular schedules of varied hours not meeting the requirements established for permanent part-time employees. Such individuals are not entitled to fringe benefits at Miles College.

3.6
PERSONNEL RECORDS

All permanent records of the employee are maintained in the Office of Human Resources. The Office of Human Resources also provides to College personnel a composite employee directory with listings for all academic and non-academic personnel, including offices and departments in which they are employed.

3.6.1
PAYROLL POLICY

The supervisor and the employee must furnish required documentation for the personnel file and payroll file before a payroll check will be issued. Each employee’s file must contain the following:

DOCUMENTATION OF A PERSONNEL FILE REQUIRES THE FOLLOWING:

1. Application for Employment
2. Job Description
3. Credentials
   a. documentation of prior experience
   b. Transcripts
4. Employment Eligibility Verification (I-9 Form)
5. Personnel Data for Employment
6. Change in Personnel Employment Status
7. Employee Performance Review and Evaluation
DOCUMENTATION OF A PAYROLL FILE REQUIRES THE FOLLOWING:

1. Personnel Data for employment
2. Contract or Letter of Appointment
3. Federal Withholding Tax form (W-4)
4. State of Alabama Withholding Tax Form (A-4)
5. Signed authorization for miscellaneous Payroll Deductions
6. Teachers’ Retirement Enrollment form
7. Documentation of Leave Earned and Taken
8. Pay Option

3.7

WORKING HOURS AND ATTENDANCE

The normal work week for full-time employees is forty (40) hours measured from Sunday through Saturday of a week; the normal work hours are 8:00 a.m. to 5:00 p.m. with one hour for lunch, Monday through Friday. It is sometimes necessary to schedule employees to work other than normal hours or tours of duty. In such events, supervisors’ work schedules will be announced as early as possible to give the employee advanced notice of any change to the work schedule.

Employees are expected to report to work on time daily and to remain on the job throughout the regular work hours. Employees are given two (2) fifteen minute breaks during the work day. The first break is to be taken in the morning at a time no earlier than 9:30 a.m. and no later than 11:30 a.m. The second break period should be taken after the regular lunch hour and between the hours of 2:00 p.m. and 4:00 p.m. Breaks are not to be taken concurrently. Employees have an urgent reason for leaving must have permission from the supervisor.
3.7.1

OVERTIME WORK

Overtime work must be approved in advance by the department head or administrative officer as the case may be. The College pays for all approved overtime for non-exempt employees or compensatory time off may be given in lieu of such pay. Employees in exempt status may also, with prior supervisor and/or department head approval, be given compensatory time off for overtime work and for which documentation of same has been provided.

Persons whose employment is not governed by the overtime provisions of the wage and hour law are required to submit to the Personnel Office an attendance sheet at the end of each month worked. This sheet must be signed by both the employee and his immediate supervisor.

3.7.1 (REVISED 12-2007)

THIS POLICY SUPERSEDES ALL PREVIOUS POLICIES

OVERTIME WORK

“Comp” time is generally illegal under Federal Law, at least for Private employers. When Comp Time is allowed it must be taken during the same pay period that the overtime hours were worked.

Overtime work must be approved in advance by the President or his designee.

The College pays for all approved overtime for non-exempt employees or compensatory time off may be given in lieu of such pay if documented in writing and signed by the supervisor.
Employees in exempt status may also, with prior supervisor and/or department head approval, be given compensatory time off for overtime work and for which documentation of same has been provided. Comp Time must be taken within the same month it is worked.

3.7.2

OVERTIME HOURS

In accordance with the requirements of the Federal Wage and Hour Laws, non-exempt employees (employees who are subject to the work hour provisions of the Fair Labor Standards Act) when required to work overtime, the employee will be paid at the rate of time and one half their regular salaries.

3.7.3

OVERTIME POLICY

The policy of Miles College concerning overtime compensation is as follows:

A. WHEN A NON-EXEMPT EMPLOYEE MAY BE REQUIRED TO WORK OVERTIME

A non-exempt employee shall be required to work more than forty (40) hours in any workweek if (a) the College directs the employee to do so, and (b) an “emergency condition” exists. For purposes of this policy, an “emergency condition” exists if, in the opinion of the College President, one or more of the following is present:

1. A situation in which the performance of necessary overtime work will increase the effectiveness of College registration, enrollment, orientation, graduation, or commencement activities. However, under such circumstances an employee shall not be required to work
overtime unless the College previously has taken reasonable action to obtain the services of other qualified employees who are willing and able to perform the work required of the employee; and

2. A situation in which the performance of overtime work will, or may reasonably be expected to, significantly contribute to the success of College goals or efforts to obtain a college or program accreditation from recognized accreditation agencies or organizations. Under such circumstances, the employee shall not be required to work overtime unless the College previously has taken reasonable action to have the work performed during normal work hours (that is, reasonably good planning would not ensure the timely performance of the work so as to avoid an “emergency” concerning accreditation).

B. OPTIONS FOR COMPENSATION FOR OVERTIME HOURS WORKED

1. When the President or an authorized designee has determined that a need for overtime work exists, he/she shall make a request to the employee to work overtime. Once the employee has agreed to perform overtime work, then it is important to note that at such time the President/designee and the employee must agree as to how such overtime work will be compensated.

2. There are two compensations options available as follows:

   a. The employee will receive compensatory time at one and one-half times the rate of actual overtime hours worked. For example: if an employee works four hours of overtime, he/she will receive six hours of compensatory time which must be
taken during the same pay period that the overtime hours were
worked.

b. If an employee works hours beyond the normal workday and
then chooses to decrease hours worked in a workday later in
the same workweek, he/she may do so but only on an hour-for-
hour basis. The reason is that the employee has not worked
over forty hours for the workweek and, therefore, the one and
one-half times rate of compensatory time is not applicable.

D. PROCEDURES

1. If an exempt employee elects to receive compensatory time off, the
employee may legally work out a Comp time arrangement with his/her
supervisor within a reasonable period after it is requested if the operations
of the College are not unduly disrupted.

2. All earned overtime/compensatory time is required to be pre-approved on
the proper form and signed by the appropriate supervisor.

Overtime is computed on a seven day, forty hour work week basis. Overtime will be paid
for all authorized overtime worked in excess of forty hours in any given week.
3.8  
TIME-KEEPING AND REPORTING  

Time records are the basic source of information for payroll purposes. Time records should reflect the actual hours worked. Employees should not sign in at times in variance with their daily work schedules without prior approval as indicated above. Time cards are checked by supervisors, department heads, and the Personnel Office for accuracy. Changes, alterations or notations are not to be made on time sheets except by approval of and with the signature of the supervisor involved.  

You are reminded that adequate time-keeping in work schedules is a requirement of the Federal Law. Further, such laws require that historical records are maintained for an indefinite period of time for all time worked.  

3.8.1  
PAYROLL REPORTING (Revised 12-2007)  

Reporting personnel attendance and leave is the responsibility of the supervisor. The payroll period begins on the 25th day of the month and ends on the 24th day of the following month. However, this period covers the entire month. If you terminate early your paycheck will be prorated based upon the number of days worked during the month. The procedures for payroll cutoff dates are listed below.  

- On the 24th day of the month staff employees should print from the Attendance Enterprise (Punching System) his/her time card.  
- Submit the time card to the supervisor for his/her review and signature  
- Time cards are due in the office of Human Resources no later than noon on the 26th day of the month.  
- Adjustments, if any will be handled through the Payroll Department.  
- Sick/personal time and annual vacation leave will be calculated by the Attendance System based upon your punched time.
• All official Absence Forms must be submitted to Human Resources the day the employee return to work not at the end of the month.

Exception: Vacation requests should be processed in advance and submitted to Human Resources prior to taking vacation.

3.9
PERFORMANCE EVALUATIONS

All employees are evaluated annually except as provided during the probationary period. Supervisors are encouraged to forward memoranda/letters of both a complimentary as well as a critical nature for inclusion in the personnel record. Supervisors are encouraged to counsel with employees early whenever performance standards are not being met. A formal written evaluation program is implemented at the College. Employees should be aware that they are evaluated daily and should always work to the best of their ability.

The supervisor reviews the evaluation with the employee and discusses areas of concern. A plan for corrective action, where deficiencies exist, is established and a follow-up session with the employee is held to determine the progress being made. The evaluation is not complete until both the supervisor and the employee have signed the evaluation form. The employee’s evaluation and follow-up of corrective action is maintained in the personnel file. Employees should be informed by the supervisor as to the status of his/her evaluation. The employee has the right to record a documented dissent with the Personnel Office within thirty (30) days after receipt of an evaluation if there is disagreement with ratings given.

3.10
PROMOTIONS AND TRANSFERS

Transfer to another position within the College may be approved when made under conditions that are mutually beneficial to the College and to the person concerned.
Transfers for promotion are particularly encouraged for qualified persons. Each transfer request will be judged on its own merits. Transfer by employee requests are normally made only after the employee has satisfactorily completed the six (6) month probationary period. Employees who wish to transfer to another position must confer with their supervisors and the Personnel Office which will advise the individual of the position availability and position requirements.

In order that the conditions of transfer may be reviewed and evaluated, the procedures outlined below are applied to transfer request affecting personnel other than faculty and principal administrators:

1. The transfer request must be reviewed and evaluated by the Personnel Office. The candidate’s qualifications will be examined in the same manner as those of a new applicant.

2. The transfer evaluation must include a performance rating by the transferee’s current supervisor. A form to be used for evaluation purposes or a letter in lieu of an evaluation form must be furnished to the Personnel Office.

3. Lateral transfers (transfers without promotion) will not be approved with an accompanying increase in salary.

4. The department from which the transfer is being made is entitled to at least two (2) weeks notice.

5. All transfers and promotions are subject to approval by the Administrative Supervisor and the President.

6. Employees will be promoted on the basis of qualification. Where there are two or more equally qualified applicant employees for transfer into the same position, the employee’s length of service will be the determinant.
3.11
EMPLOYMENT OF RELATIVES (NEPOTISM)

The College’s policy is that persons in the same immediate family not be employed when any of the following conditions are present:

1. They have the same supervisor
2. They work within the same office setting and the same work shift
3. Their work assignments would bring them in close relationship to one another

Immediate family is defined as husband, wife, father, father-in-law, mother-in-law, son, daughter, son-in-law, daughter-in-law, brother, sister, grandfather, grandmother, grandson, and granddaughter.

All requests for exceptions to the above policy will be considered on an individual basis and will require the approval of the President.

3.12
SERVICE DATES

Your service date is the date you began your employment with Miles College after which there has been no “break” in service by reason of termination of employment.
3.13
TERMINATION POLICY

3.13.1
RESIGNATION

All employees are expected to give at least two (2) weeks notice of resignation. Employees in supervisory or professional positions are expected to give at least one month notice of resignation (subject to change). A failure to give required notice subjects the employee to loss of accrued vacation pay.

Employees submitting resignations will be paid through the last work day and will receive their check the first payday following resignation. If the above prescribed advance notice has been received, full-time employees with at least one (1) year of service will be eligible for terminal vacation pay of that time that has been earned but not taken at the time of separation. Other benefits may be available and consequently, all terminating employees should report to the Personnel Office to arrange an Exit Interview.

3.13.2
DISMISSAL

(See also Section 8.1, Code of Conduct) the College’s rules concerning dismissal are intended to be general guidelines to good management and fair treatment. Just cause for dismissal is not limited to those violations that follow as there may be other offenses committed that may warrant this action depending on a number of factors. The College reserves the right to make changes to the listing contained in subparagraph A at any time.

A. VIOLATIONS WHICH MAY CAUSE IMMEDIATE DISMISSAL
   1. Falsification of personnel records, including time cards and application for employment
   2. Inexcusable neglect of duty, insubordination or disobedience
3. Unauthorized possession or drinking of any alcoholic beverages or unauthorized use or possession of narcotics, barbiturates, hallucinogenic, amphetamines, or marijuana on College property
4. Unexcused absences of three (3) days without notification or reasonable cause
5. Theft, unauthorized use, removal or destruction of College property
6. Unauthorized possession of firearms, knives, explosives, etc.
7. Stealing from fellow employees. Students, the College or others while at the College
8. Immoral or indecent conduct on College premises or the conviction by a court of law of such conduct off the job

3.13.3
HARASSMENT POLICIES

SEXUAL HARASSMENT POLICY (Amended 6/02)

Miles College affirms its policy to maintain a working and learning environment free from sexual harassment of faculty, staff, and students. Sexual harassment creates an intimidating, hostile, offensive working environment. Sexual harassment at Miles is not simply inappropriate behavior it is a violation of federal and state laws. Title IX of the education amendments of 1972 states: “No person in the United States shall on the ground of race, color, national origin, age, or handicap status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance, or be so treated on the basis of sex under most education programs or activities receiving Federal Assistance.”

PROVISIONS

1. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

   a. such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or

c. such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

2. Sexual harassment can be written, verbal, or physical.

   a. Written actions include sexually suggestive or obscene letters, notes, and invitations.

   b. Verbal actions include sexually suggestive or obscene comments, threats, slurs, jokes, and unwanted sexual advances or invitations.

   c. Visual actions include sexually suggestive or obscene gestures; leering or staring at another’s body; and displaying derogatory and/or sexually oriented posters, pictures, photographs, cartoons, or drawings.

   d. Physical actions include intentional unwanted touching; brushing against another’s body; impeding or blocking normal movement, and interfering with work.

3. Sexual Harassment also includes continuing to express sexual or social interest after being informed directly that the interest is unwelcome.

PROCEDURES

1. Any employee who feels that he or she is being or has been sexually harassed should:

   a. If possible, communicate to the harasser that the conduct is unwelcome and that he or she should stop immediately. “Unwelcome” means that the employee did not solicit or incite the conduct and regards it as undesirable.

   b. Document the harassment. Include the date and time of the incident; the names of those involved; the names of any witnesses; and the details of the incident.

   c. Submit a written complaint of the harassment to:

      1. his or her supervisor or manager;
      2. the next level of management; or
      3. Human Resources.
Employees are encouraged to report incidents of sexual harassment by their supervisors or managers or the next level of management directly to Human Resources.

If an employee is not comfortable reporting an incident of sexual harassment to his or her supervisor or manager or the next level of management, he or she is encouraged to go directly to Human Resources.

d. Supervisors or managers who receive complaints about sexual harassment must immediately report them to Human Resources.

2. Human Resources will promptly investigate any reported incidents of sexual harassment. All such reports will be kept confidential to the extent possible. Employees can file complaints of sexual harassment without fear of retaliation.

If it is determined that Sexual harassment occurred, disciplinary action will be taken, up to and including termination of the harasser’s employment.

HARASSMENT POLICY

Miles College will not tolerate harassment of any kind. Harassment includes unwelcome actions, words, jokes, pictures, or comments based on an individual’s race, color, religion, national origin, gender, age, physical or mental disability, veteran status, or any other legally protected status. Any employee who is found to have harassed any other employee will be subject to disciplinary action, up to and including termination.

PROCEDURES

1. Any employee who feels that he or she is being or has been harassed should:

   a. If possible, communicate to the harasser that the conduct is unwelcome and that he or she should stop immediately. “Unwelcome” means that the employee did not solicit or incite the conduct and regards it as undesirable.

   b. Document the harassment. Include the date and time of the incident; the names of those involved; the names of any witnesses; and the details of the incident.

   c. Submit a written complaint of the harassment to:
      1. his or her supervisor or manager
2. the next level of management; or

3. Human Resources.

Employees are encouraged to report incidents of harassment by their supervisors or managers or the next level of management directly to Human Resources.

If an employee is not comfortable reporting an incident of harassment to his or her supervisor or manager or the next level of management, he or she is encouraged to go directly to Human Resources.

d. Supervisors or managers who receive complaints about harassment must immediately report them to Human Resources.

2. Human Resources will promptly investigate any reported incidents of harassment. All such reports will be kept confidential to the extent possible. Employees can file complaints of harassment without fear of retaliation.

If it is determined that harassment occurred, disciplinary action will be taken, up to and including termination of the harasser’s employment.

3.13.4

WORKPLACE VIOLENCE PREVENTION POLICY  (Effective April 2003)

POLICY OBJECTIVES

Miles College has established the following policy on workplace violence (hereinafter “policy”). The objectives of this policy are employee education and prevention. We are committed to the health, safety, and welfare of our employees, and will make every effort to prevent violent incidents from occurring.

WORKPLACE VIOLENCE DEFINED

Workplace violence is defined under this policy as any physical assault, threatening behavior, or verbal abuse occurring in the work setting. It includes but is not limited to beatings, stabbings, shootings, rapes, sexual assault, or any use of force against another
person, suicide, attempted suicide, verbal or physical threats or intimidation, and any form of harassment such as stalking, following, obscene phone calls, shouting, or using foul and abusive language toward another person. This definition is adapted from the definition set forth by The National Institute for Occupational Health and Safety.

**ZERO TOLERANCE**

The College will not tolerate workplace violence. Within the sole discretion of the College, any employee who engages in workplace violence will be disciplined, up to and including immediate termination, with no further warning.

**WEAPONS PROHIBITED**

Employees are also strictly prohibited under this policy from using, possessing, or concealing any weapon, including but not limited to handguns, shotguns, rifles, automatic or semi-automatic weapons, or other firearms, and knives while on College premises. This prohibition does not apply to materials specifically authorized by the College for use on the job or another job-related purpose. Any employee who violates this provision against weapons will be disciplined, up to and including immediate termination, within the sole discretion of the College.

**REPORTING**

All managers and supervisors are responsible for taking measures to prevent and to correct promptly any incident of workplace violence. All employees are required to immediately and accurately report any incident of workplace violence or perceived threat of workplace violence, whether verbal or physical, and to report knowledge of another possessing a weapon on College premises. Written reports shall be made to the employee’s supervisor or another member of management. In cases of emergencies, Security should be notified.
The College will not discriminate against victims of workplace violence, or those who make reports under this policy. To the extent possible and practicable under the circumstances, the College will maintain such reports confidentially.

CONCLUSION

All employees, including managers and supervisors, are responsible for using safe work practices, for following all directives, policies and procedures, and for assisting in maintaining a safe and secure work environment. Management is responsible for ensuring that all safety and health policies and procedures involving workplace security are clearly communicated and understood by all employees. Managers and supervisors are expected to enforce this policy fairly and uniformly. This policy will be reviewed and updated annually. The Administration welcomes employee suggestions or comments concerning this policy.

3.14
RE-EMPLOYMENT

A former employee seeking re-employment is required to list dates and show previous employment on the application. Former employees whose separations were under satisfactory circumstances may be re-employed in the same type of work or in another type of work for which they are qualified. However, such employees cannot receive credit for sick leave, vacation benefits, nor educational benefits accrued during their former employment. Such individuals will, upon re-employment, be considered for benefit purposes on the same basis as a new employee.
3.15

REDUCTION IN WORK FORCE (LAY OFF)

1. If, because of insufficient funds or program readjustments, the College effects a general reduction in force, or reduction of force in any area, recommendations of persons to be released will be made by the department head(s) to the President.

2. In the final determination which is made jointly by the department head(s) and the Personnel Office, subjected to special review by the President, preference for retaining will be given to persons on the basis of past value to the College, length of service and possibility of future usefulness in the College Service.

3. An employee whose services are terminated because of a reduction in the work force will be given:
   a. Thirty (30) days prior notice to release;
   b. Payment for accrued vacation time if employed for at least one (1) full year;
   c. Preference in re-employment

3.16

MANAGEMENT RIGHTS

The College has always sought the opinion of its employees, individually or through their supervisors, about working conditions, ways and means of getting their jobs done better, and other matters of employee interest. From time to time, however, the College, just as any other organization, has to make decisions without prior consultation with its employees. The College must, therefore, maintain exclusive discretion to exercise the customary functions of management including, but not limited to, the discretion to select, hire, promote, suspend, dismiss, assign, supervise, and discipline employees; to determine the work schedules, to determine the size and composition of work force; to establish, change and abolish policies, procedures, rules and regulations; to determine and
modify job descriptions and job classifications; to assign duties to employees in accordance with the needs and requirements determined by the College.
4.

COMPENSATION

4.1

WAGE AND SALARY POLICY

All non-exempt positions (positions that are exempt from the work hours provision of the Fair Labor Standards Act) are classified according to relative technical requirements and responsibilities.

Adjustments to salary rates, if any, are provided from funds available to the College. When funds are available, the amount of an individual’s salary increase reflects recognition of the individual’s merit as documented by the supervisor and department head. Overall contribution to the department and division is usually the main factor.

4.1.1

COMPUTATION OF SALARY

The following formulas are used for computing salaries:

\[
\begin{align*}
\text{Annual Rate} & = \text{Contracted Rate} \\
\text{Monthly} & = \frac{\text{Annual Rate}}{12} \\
\text{Bi –Weekly} & = \frac{\text{Annual Rate}}{26} \\
\text{Daily Rate} & = \frac{\text{Monthly Rate}}{30} \\
\text{Hourly Rate} & = \frac{\text{Annual Rate}}{\text{Contracted Hours Per Year}}
\end{align*}
\]
4.2

MERIT INCREASES

New employees are usually hired at the base rate of their particular job classification. Salary increases may be approved upon satisfactory completion of the probationary period, if funds are available. When such increases are not available due to funding, employees will be advised of this fact before employment or continued employment.

If a new employee’s performance has not been satisfactory, the initial salary increase that may be given at the time a person completes the first six (6) months probationary period may be withheld for an additional three (3) months.

Salary increases will normally be given provided the employee’s annual performance evaluation is considered satisfactory by the supervisor and if funds are available.

4.3

PAY PERIODS AND RECEIPT OF CHECKS

All hourly paid employees are paid by check every two (2) weeks. Support personnel are paid normally on the last day of the month except when the month ends on Saturday or Sunday.

Employees should not endorse checks until they are actually in the cashing facility. Lost checks should be reported to the Payroll Department immediately. Paychecks may not be mailed or given to anyone other than the employee for whom the check is intended. Exceptions may be made when the employee designates, in writing, another individual to pick up the paycheck.
With each paycheck, a statement showing the gross pay, overtime hours, if appropriate, deductions and net pay will be provided. Questions regarding time worked, salary, paychecks, holiday pay, sick pay, vacation pay, and deductions should be discussed with the Payroll Office and the Personnel Office.

4.4

SOCIAL SECURITY

Miles College and its employees contribute equally to the cost of Social Security benefits. The deductions from the paycheck and the amount contributed by the College are deposited to the credit of the employee with the Federal Government according to Federal Regulations.

4.5

PAYROLL DEDUCTIONS

Required payroll deductions are: (1) Federal Tax; (2) Social Security (FICA); (3) Retirement Program (when applicable); (4) county Tax; (5) State Income Tax; (6) any amount owed the College if not previously paid.

An employee may request these additional deductions: (1) life and accident insurance; (2) credit union savings and loan repayment; (3) approved commercial insurance companies; (4) dental insurance; (5) TIAA retirement.
5.

EMPLOYEE BENEFITS (Modified 11-05)

5.1

VACATION

The College provides vacation pay for all eligible employees. In order to be eligible for vacation with pay, you must (1) be a full time employee, and (2) complete twelve (12) months of continuous uninterrupted employment.

Vacation benefits are provided for all eligible employees; and are scheduled at the convenience of the employee and the College. Vacations are taken based on anniversary date. Employees who have completed twelve (12) months of continuous employment will be entitled to a vacation of (2) weeks with regular pay.

Vacation days are not accrued; therefore, a person who resigns or is terminated is eligible for vacation pay resulting from continuous employment during the prior twelve (12) months, provided appropriate notification and Clearance from the College has been completed. (See 3.13.1 also)

An employee will not receive pay in lieu of vacation not taken unless it is deemed in the best interest of the College and approved by the President. In the event of a holiday observed by the College falls within a vacation period, an additional day of vacation will be allowed.

At the convenience of the College, the College may request that an employee postpone his/her vacation beyond the regular period and take it at a later date. But, such a postponement must have the recommendation of the supervisor and the approval of the Business Manager and the President. However, when the recommendation is made and accepted, the new vacation dates must be set between the months of September and October. The College does not encourage postponement of vacation until November or December, because of holidays.
5.2

HOLIDAYS

The College recognizes the following holidays: Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day following Thanksgiving Day, Christmas Eve, Christmas Day, and the day following Christmas Day, New Year’s Eve, New Year’s Day, and Dr. Martin Luther King’s Birthday.

Part-time and temporary employees are NOT entitled to paid holidays.

If an employee is required to work on a holiday, he/she will be given another day off with pay within ninety (90) days following the holiday. Employees who fail to work their last scheduled workday prior to a holiday and their first scheduled workday after a holiday will forfeit holiday pay unless a legitimate absence is approved by the department head/supervisor and the Business Manager.

In the event an employee is on vacation and a holiday occurs, the day will be taken as a holiday not a vacation day.

5.3

SICK/PERSOANL LEAVE

Each full-time employee shall earn one day of leave per month of employment, cumulative to a maximum of 90 days to be used at the employee’s discretion. During the current fiscal year the accrued time may be used at the discretion of the employee. At the end of the fiscal year all unused time will be carried forth and earmarked for sick leave only.

Sick leave taken in excess of three (3) consecutive days requires a doctor’s statement. A supervisor can request a doctor’s statement at any time a person is suspected of sick leave abuse. Sick leave is defined as the absence from duty for:
a. personal illness
b. routine physical examination, dental appointments, eye examinations, etc.,
c. bodily injury which incapacitates the employee
d. absence due to the illness of immediate family members
e. illness or death of an individual not legally related to or having a unique relationship with the employee where strong personal ties exist. In each such case, the employee concerned shall file with his appropriate supervisor a written statement of the circumstances that justify an exception to the general rule
f. sick leave for pregnancy applies to all full-time personnel

To be eligible for benefits, the following conditions are necessary:

1. notify the department head of supervisor of his/her illness as early as possible prior to the scheduled time of duty
2. describe the nature of the illness and expected time of return to work
3. prior supervisor/Human Resources approval is required for planned sick absences, Family Medical Leave Act (FMLA) will be strictly enforced
4. all sick/personal time must be officially reported to Human Resources on the day the employee returns to work

Holidays, vacations and other authorized or scheduled absences occurring during an absence for illness or injury will not reduce an employee’s accrued leave credit. Such authorized absences shall be considered as the regular period of time worked.

Employees are not paid for sick/personal leave upon termination.

5.4

LIFE INSURANCE

A $15,000 life insurance policy is provided to all full-time regular employees after a 30-day waiting period. Insurance Forms must be completed through the Office of Human Resources. The enrollment form should be kept with the employee’s records. The College pays all premiums. Additional life insurance may be purchased at a cost to the employee. (See Human Resources for more information).
5.5

HEALTH AND DENTAL INSURANCE

Full-time regular employees may elect to participate in the Health and Dental Insurance Programs selected by the College. The College contributes a substantial portion of the SINGLE premium to Health coverage ONLY. Employees selecting single coverage may purchase, in addition, family coverage at an additional cost to the employee. Full details of benefits may be obtained from the Office of Human Resources.

A brochure is available to all new enrollees, which gives a brief explanation of the coverage provided. The Master Contract is on file in the Office of Human Resources and is made available to any employee desiring to review it prior to enrollment.

5.5.1

PREFERRED LONG-TERM CARE (LTC) INSURANCE (Effective 8-07)

All full-time Regular employees and their family members are eligible for coverage on a voluntary basis under the policy. Temporary or Seasonal employees are not eligible to participate in the program. Payments are payroll deducted and are fully funded by the employee. Miles College does not contribute to the cost of coverage.

5.5.2

CAFETERIA PLAN

In August 1991, Miles College adopted a policy authorizing “the availability of flexible benefit plans” under Section 125 of the Internal Revenue Code for its employees. Complete guidelines are provided in the Offices of Human Resources and Payroll.

5.6

BUSINESS AND ACCIDENT INSURANCE

Miles College provides Workmen Compensation Insurance which is maintained in accordance with the laws of the State of Alabama. This insurance is provided without
cost to employees. This program provides payment for treatment of injuries sustained on
the job or on-the-job contracted illnesses. It is College policy that an immediate and
formal reporting of incidents involving accidents or injuries of the job be made to the
Office of Human Resources without delay. Therefore, anyone incurring an accident or
injury while on the job must first contact the supervisor and Campus Security for
immediate first-aid care and appropriate referral for medical treatment. (For a complete
explanation of the policy see 7.3)

5.7

RETIREMENT PROGRAM

All full-time regular employees are eligible to participate in the College’s TIAA/CREF
Tax-Sheltered Annuity Program. Eligible members may elect to reduce their salaries for
the purpose of purchasing an annuity with the Teacher’s Annuity Association (TIAA)
College Retirement Equities Fund (CREF). After one year (1) of service the College will
match these contributions in an amount not to exceed five percent (5%) of salary.
Employees should contact the Office of Human Resources for further information on
TIAA/CREF Programs.

Early retirement may be taken at the option of the individual in accordance with
provisions of the retirement program of the College. Benefits at retirement, available
through the College, depend upon the individual’s participation in the retirement
program. Information on retirement benefits may be obtained on an individual basis from
the Office of Human Resources.

5.8

SOCIAL SECURITY

All employees are covered under the federal Social Security Plan which provides benefits
for retirement permanent disability, and survivor benefits. This coverage is compulsory
(see Section 4.4).
5.9
WORKMEN’S COMPENSATION (See 7.3)

5.10
UNEMPLOYMENT COMPENSATION

Miles College provides unemployment compensation benefits as required by the laws of the State of Alabama. These benefits are provided at no cost to the employee. This means that employees qualified for benefits will be protected against loss of salary for reasons other than sickness or injury. Employees should be aware that voluntary termination or discharge for cause is not covered by unemployment compensation benefits.

5.11
EDUCATION ASSISTANCE (Effective 2007 Summer Term)
Replaces Policy Revised 11/02 and Modified 11/05

Miles College has an educational assistance program that is available to all full-time employees and their qualified dependents that desire to further their education at Miles. The College will supplement up to 100% for class loads not to exceed six semester hours per semester for faculty and staff members who have completed one year of service at the College.

Spouses and naturally born or legally adopted children who are unmarried dependents of full-time faculty and staff members may enroll for full-load or less per Semester. To receive this supplemental assistance, they must continue to apply annually for the Federal and State assistance and maintain a minimum of a “C” or 2.0 averages.

Since this is a supplemental tuition waiver, funded by the Institution, employees, spouses, and qualified dependents must be eligible to receive Federal Aid. The tuition waiver will only pay the remaining balance after the Federal and State aid determination.
Employees should contact Human Resources for further details. All requests for educational assistance must be processed through the Office of Human Resources and submitted to the Financial Aid Office five (5) days prior to registration for determination of eligibility. Eligibility terminates if the employee discontinues full-time employment at the College for any reason except an approved leave of absence.

**Note:** any person who defaulted on any loan will not be eligible for Staff Aid.

### 5.12

#### EMERGENCY AND BEREAVEMENT ABSENCES

In the event of death or critical illness in the immediate family (wife, husband, children, mother, father, brother, or sister) of either the employee or the spouse, an employee may be granted leave of absence with pay. An employee may not take a total of more than five (5) days of such absences in any given year. If so, the excess of five (5) days will be charged to regular vacation time.

### 5.12.1

#### FUNERAL LEAVE

Employees bereaved by death in the immediate family are granted time off with pay. Employees will be granted a maximum of three (3) days off with pay. Additional days may be granted with the approval of the President of the College.

Immediate family is deemed to include: spouse, parents, children, spouse’s parents, sister, brother, grandparent, grandchild, a person who is legally acting in one of the above capacities, relatives living in the employee’s residence, or spouses of any of the above.
An employee is not eligible to receive paid time for benefits while scheduled off or absent from work because of vacation, holidays, sickness (paid or unpaid) or other reasons.

5.13
LEAVE OF ABSENCE

Full-time employees with a year or more of continuous active service may request a leave of absence for justifiable reasons without pay. After the normal maximum allowable time, the College reserves the right to terminate such employee(s). The standard reasons and normal maximum allowable time for each category is as follows:

1. Maternity leave
2. Educational leave/Professional leave (twelve (12) months – must lead to increased job ability)
3. Personal leave (three (3) months – justifiable reasons only)
4. Illness as sick leave
5. Active military service as required (reservist called to active duty or a member is drafted) will receive compensation for a period up to 2 weeks anything exceeding this must be approved by the President
6. Jury Duty
7. Witness in a court case

The length of service is normally waived for maternity, sick and military leaves of absence on a case-by-case basis. Compliance with the Family and Medical Leave Act of 1993 is strictly enforced.

Except for illness or sick leave, employees are required to submit a formal request for leaves of absence to the supervisor at least one (1) month in advance of the beginning date of the leave. The effective date of leave should be included. All leaves of absence are subject to the approval of the President. Employees applying for leave of absence
privileges should contact the Personnel Office if they have questions about their benefits status, such as earned vacation credits or health and life insurance status, during leaves of absence. Normally, life and health insurance may be continued in effect while an employee is in an official leave status with full premiums being paid by the employee.

Employees granted leaves of absence retain their job classifications and will, when possible, be reinstated to positions that are the same or similar to those previously held.

Employee benefits, including vacation and sick time, do not accrue during leaves of absence. However, earned credit may be carried forward and applied when the person returns from a leave of absence.

Overstaying a leave of absence without proper notification and approval, or seeking and accepting other employment without previous authorization, constitutes an automatic resignation and subsequent loss of benefits. Employees wishing to return to duty from a leave of absence must report to the Personnel Office.

**FAMILY AND MEDICAL LEAVE OF ABSENCE**

**POLICY**

Pursuant to applicable law (FMLA of 1993) provides family and medical care leave to eligible employees. **Family and medical leaves of absence are unpaid.**

**PROVISIONS**

1. **ELIGIBILITY PERIOD**

   In order to be eligible for family or medical care leave, employees must have been employed by Miles College for at least twelve (12) months and have worked at least 1,250 hours in the preceding twelve (12) months before requesting leave.

2. **CIRCUMSTANCES UNDER WHICH YOU MAY TAKE LEAVE:**
a. for the birth of a child or to care for a child within the first 12 months after birth
b. for the placement of a child with the employee for adoption or foster care within the first 12 months of placement
c. to care for an immediate family member (spouse, child or parent), if such immediate family member has a serious health condition
d. because of a serious health condition that makes the employee unable to perform one or more of the essential functions of his or her position

3. **DURATION OF LEAVE**

Employees who qualify for family or medical care leave are entitled to an aggregate total maximum leave of twelve (12) weeks during any twelve (12) month period beginning on the date of the employee’s first leave under this policy. There is no carry over of unused family of medical care leave from one twelve (12) month period to the next twelve (12) month period.

4. **SPECIAL RULES CONCERNING CHILD CARE LEAVE**

If a husband and wife are both employed by Miles College and both are eligible for leave under this policy, leave for the birth, adoption, or foster care of their child is limited to a combined total of twelve (12) weeks within a twelve (12) month period. Each employee is not entitled to twelve (12) weeks of leave.

5. **MEDICAL CERTIFICATION**

An employee who requests leave for his or her own serious health condition or the serious health condition of the employee’s child, spouse or parent, must provide written certification to Human Resources from the health care provider of the individual requiring care on the form provided by Miles College.
Miles College may require the employee to provide Human Resources with re-certification, as permitted under applicable law. Failure to provide Human Resources with adequate certification or re-certification, within a timely manner, may result in denial or delay of leave.

6. HEALTH CARE BENEFITS DURING LEAVE

During an approved family or medical leave, Miles College shall continue to provide medical coverage under its group health plan at the same level and under the same conditions that coverage would have been provided if the employee had been continuously employed during the duration of the leave. The employee shall remain personally responsible for paying his or her portion of the insurance premium, if any, including dependent coverage. Upon commencement of the employee’s leave under this policy, Human Resources will provide the employee with written notice of the terms under which payment must be made. An employee’s failure to pay premiums in a timely manner during his or her leave may result in a lapse of coverage.

If an employee fails to return to work following the expiration of his or her leave under this policy, the employee will be required to reimburse Miles College for the group health insurance premiums paid by the College on the employee’s behalf, unless the employee’s failure to return is caused by the continuation, recurrence or onset of a serious health condition that entitles the employee to leave under this policy or by circumstances beyond the employee’s control.

7. USE OF VACATION AND PERSONAL/SICK LEAVE

Accrued time must be used at the beginning of a leave before entering a “non paid status.” Employees must use available sick/personal leave and may use vacation time before being granted a family leave. Use of paid accrued vacation or
sick/personal leave does not extend the total amount of leave available. In all circumstances, an employee is entitled only to a maximum leave of twelve (12) weeks, whether paid, unpaid, or partially paid.

8. **RETURN**

Employees are expected to return to work at the conclusion of their family or medical care leaves and will be reinstated to the original or an equivalent position in accordance with applicable law. There will be no reinstatement to the same or an equivalent position if such position ceased to exist because of legitimate business reasons unrelated to the employee’s family or medical care leave. If an employee fails to return at the end of FMLA leave, the employee will be considered to have voluntarily resigned his/her position with the College.

As a condition of the employee’s return from a leave taken because of the employee’s own serious health condition, Miles College will require that the employee provide medical certification from his or her health care provider certifying the employee’s physical ability to perform, with or without accommodation the duties of the position previously held. Employees retain their employee status with the College during the period of their leaves; their leaves shall not constitute a break in service for purposes of any employee benefit plan.

The period of time that an employee is on a family or medical leave of absence is not considered time worked for purposes of determining eligibility for, or the amount of, certain benefits such as vacation and sick benefits. When an employee returns from a leave of absence, the eligibility and accrual dates for such benefits will be adjusted forward to reflect the period of the leave. If a paid holiday falls during the period an employee is on family or medical care leave, the employee will not be eligible for the holiday pay.
PROCEDURES

Any employee who desires to take a family or medical care leave should submit a written request to his or her supervisor or manager and then to Human Resources, indicating the date on which the leave will commence and the estimated duration of the leave.

If the need for leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for the serious health condition of the employee or a family member, the employee must provide Human Resources with at least thirty- (30) days advance notice. An employee’s failure to provide thirty-(30) days notice for a foreseeable leave may result in Miles College denial of the employee’s request for a leave until thirty-(30) days after the employee has provided notice. If the need for leave is not foreseeable, then notice must be given as soon as possible.

INTERMITTENT LEAVE

The College recognizes that it may be medically necessary for an employee to use intermittent FMLA leave. The College will work with an employee to arrange reduced work schedules or leaves of absence in order to care for a family member’s serious medical condition or their own serious medical condition.

The full text of this policy is available from the Human Resources Office and specific questions should be directed to that Office.

EXCEPTIONS

None
6. EMPLOYEE SERVICES

6.1 TELEPHONE SWITCHBOARD

Prompt, courteous answers to telephone calls should be a self-imposed rule. It is a good practice to identify yourself and your department when answering or making a call.

Personal telephone calls must be reduced to an absolute minimum. You should use good judgment in limiting calls. Supervisors are required to observe the frequency of such calls and to caution employees who use the phone excessively for personal calls. Personal long distance calls must not be charged to Miles College telephone numbers.

6.2 PARKING

Parking space is provided for members of the faculty and staff. Parking permits shall be obtained from the Business Office upon completion of the necessary registration forms provided by the Director of Safety and Security.

Staff members are required to purchase automobile decals. These decals must be permanently displayed on all automobiles parked on the Campus. Parking areas are controlled to prevent unauthorized parking. Employees who fail to properly identify their automobiles will be subject to parking violations and possible towing expenses. Failure to comply will result in other appropriate administrative action.
6.3

POST OFFICE

Miles College has a post office located in the basement of Brown Hall. All staff members are urged to keep the postal clerk informed of their current addresses upon departure. The post office serves as the channel through which written campus communication is normally distributed. Each administrative office and most sub-administrative offices are assigned post office boxes for campus mail.

MAILING PROCEDURES

- All mail should be brought to the Post Office prior to 3:30 p.m. daily
- Packages having a special rate or library rate should be accompanied with a special form stating that particular rate
- Problems with postage rates will be handled by the Business Manager or his/her designee
- Mail will be taken to the U.S. Post Office daily by the College’s Postal Clerk

6.4

VOICE-MAIL, E-MAIL, COMPUTER SYSTEMS, AND THE INTERNET

POLICY

Employees are expected to use the voice-mail, e-mail, and other computer or computer-type systems, including the Internet, for Miles work-related business only and not for personal matters. Prohibited personal uses include, but are not limited to, soliciting for religious, political, social, or educational causes, outside organizations, commercial ventures, or other non job-related solicitations.

Employees are also prohibited from using the Institution’s voice-mail, e-mail, and other computer or computer-type systems, including the Internet, in any way that may be disruptive or offensive to others, including, but not limited to, the transmission of
sexually explicit pictures, cartoons, jokes, or text, ethnic or racial jokes or slurs, anything that is fraudulent, or anything that may be construed as harassment or belittlement of others. **Violation of this policy may result in disciplinary action, up to, and including termination.**

**PROVISIONS**

1. **VOICE-MAIL AND E-MAIL**

   a. Although employees may have personal access codes to voice-mail, e-mail, and other computer or computer-type systems, the Institution maintains access to these systems at all times. Employees have no right or expectation of privacy in voice-mail, e-mail, and other computer systems. Miles owns the computers and software that comprise the voice-mail, e-mail, and other computer systems. All messages sent or received through Miles College voice-mail, e-mail, and other computer systems are and remain the property of the Institution. They are not the private property of an employee.

   b. Miles College reserves the right to retrieve, read, review, audit, intercept, access, and discloses any and all messages sent or received through Miles Voice-mail, e-mail, and other computer systems. Employees should not assume that any messages are secure. The voice-mail, e-mail, and other computer systems may be monitored at any time.

   c. Even though the Institution has the ability and right to access messages sent or received through Miles voice-mail, e-mail, and other computer systems, such messages should be treated as confidential by employees and accessed only by intended recipients. Employees may not access or
attempt to access any other employee’s voice-mail or e-mail without the latter’s permission.

2. **THE INTERNET**

   a. The provisions above that apply to voice-mail and e-mail also apply to the Internet.

   b. The Internet should not be used for personal gain or advancement of individual views. Solicitation of non-Institutional business, or any use of the Internet for personal gain, is strictly prohibited.

   c. Each employee is responsible for the content of all text, audio, and images that he or she places on or sends over the Internet.

   d. All messages communicated on the Internet must have the sender’s name attached. Messages may not be transmitted under any assumed names. Users may not attempt to obscure the origins of any messages.

   e. To prevent computer viruses from being transmitted through the system, software may not be downloaded except by authorized employees in the technology department.

   f. Copyright laws must be obeyed.

**EXCEPTIONS:**
None

Approved By:  ___________________________   Date:  ___________________

Chief Fiscal Officer

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7.

HEALTH AND SAFETY

7.1
WORKING CONDITIONS

Safe working conditions are of primary importance throughout the College. Each employee is to be given an orientation on safe practices needed for his or her by the supervisor and/or department head. Each employee is required to report any unsafe condition observed to the supervisor, who in turn, will report such conditions to the department head. Typical examples of unsafe conditions include, but are not limited to the following: slippery floors, equipment left in such a manner as to be a safety hazard, defective or broken equipment, careless handling of equipment (i.e., use of combustibles near open flames, etc.), all defective electrical outlets, lamps, and so forth. Employees should be aware that the maintenance of a safety-conscious environment is the responsibility of each and every one of us.

7.2
FIRE PREVENTION AND TRAINING

The importance of fire prevention in all departments cannot be overemphasized. Carelessness and thoughtlessness are the two main reasons for fire disasters. Some major fire hazards that employees should report are:

- Cigarette, cigar or pipe ashes in waste paper baskets
- Inflammable liquids left uncovered after use
- Accumulation of paper, rags, and so forth in storage or other areas
- Defective wiring or electrical devices
- Smoking in non-smoking areas
- Open fire doors
The College has set up fire prevention plans to protect employees, students, and other members of the academic community. Employees should be familiar with these plans and should make a commitment to actively participate in fire prevention.

IN CASE OF FIRE:

- Avoid panic
- Move quickly to check the fire and judge its size
- Call the switchboard and inform the operator of the exact location and extent of the fire
- Use fire extinguishers and hoses as necessary
- Close windows, doors, and other sources of drafts
- Attempt to determine whether or not individuals are trapped in the buildings

7.3
ON-THE-JOB INJURIES

In the event of an on-the-job injury or on-the-job contracted illness, the event MUST BE REPORTED immediately to the supervisor who in turn must submit a written report to the Personnel Office within three (3) days, so that the injury or event can be properly documented as occurring at Miles College. The incident report must be forwarded to the Personnel Office immediately. If the incident is not reported within three (3) days, you may forfeit your benefits.

WORKERS’ COMPENSATION POLICY - Amended 09/02 Revised 02/08

The Workers’ Compensation Law of the State of Alabama covers Miles College. Employees who are injured while on the job and whose injuries are job-related may be eligible for workers’ compensation benefits under state workers’ compensation laws.

Workers’ compensation benefits are generally not available for injuries resulting from employee participation in off-duty recreational, social, or athletic activities, even if sponsored or endorsed by Miles College. Such activities are voluntary and not part of an
employee’s work-related duties. **The College will prosecute employees for Worker’s Compensation fraud.**

**In the event of an on-the-job injury or on-the-job contracted illness, the following procedures must be followed:**

- The injury or illness must be verbally reported to Campus Security who will investigate the incident, document the event as occurring at Miles College, and complete a written report.

- If medical attention is required, the Human Resources Representative will make arrangements to have the employee taken to the closest college-designated treatment facility. (Approved treatment facilities may be obtained from the Office of Human Resources).

- **If the injury or illness is life threatening, emergency paramedic services will be called to manage the situation.**

- After the employee is treated he or she must return to work if so authorized by the treating physician. **Employee(s) may not return to work without an authorized Return to Work Permit from the health care provider.**

- The affected employee must notify Human Resources within 24 hours of the onset of the injury or illness. If the injury or illness prevents the employee from notifying Human Resources (e.g., if the employee is unconscious), his or her supervisor or manager is responsible for notifying Human Resources.

- The employee’s supervisor or manager must report the Accident/Exposure” within 24 hours of being notified of the injury or illness.

- **All on-the-job injuries or illnesses, regardless of how small or insignificant they may seem, must be reported to Human Resources as soon as possible but within twenty-four (24) hours.**

### 7.4 HEALTH CLINIC

The Miles College Health Clinic is located in the Edith Bass Apartment Building, Apt. # 7 & 8 and provides limited first-aid and medical treatment. Major health problems or those requiring emergency treatment are referred to the nearest major health
facility/hospital. The Health clinic is open weekdays from 8:00 a.m. – 4:30 p.m. Emergencies occurring after normal clinic hours should be reported to a Security Officer.

7.5

SMOKING - SMOKEFREE POLICY (Revised 8-2005)

Smoking is permitted in designated areas only. Miles College is committed to providing a healthy, comfortable, and productive environment for the students, faculty, staff, and visitors of this campus.

Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke (also known as environmental tobacco smoke) is a cause of disease in healthy nonsmoker, including heart disease, stroke, respiratory disease, and lung cancer.

The Americans with Disabilities Act, which requires that disabled persons have access to public places and workplaces, deems impaired respiratory function to be a disability.

The U.S. Surgeon General has determined that the simple separation of smokers and nonsmokers within the same air space may reduce, but does not eliminate, the exposure of nonsmokers to secondhand smoke. The Environmental Protection Agency has determined that secondhand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Air cleaners, which are only capable of filtering the particulate matter and odors in smoke, do not eliminate the known toxins in secondhand smoke.

The Centers for Disease Control and Prevention has determined that the risk of acute myocardial infarction and coronary heart disease associated with exposure to tobacco smoke is non-linear at low doses, increasing rapidly with relatively small doses such as those received from secondhand smoke or actively smoking one or two cigarettes a day, and has warned that all patients at increased risk of coronary heart disease or with known coronary artery disease should avoid all indoor environments that permit smoking.
The Smoke free policy applies to all Miles College facilities, owned or leased, regardless of location. Smoking shall not be permitted in any enclosed place, including private residential space within college housing. The policy applies to all students, faculty, staff, and visitors. Smoking shall only occur at a reasonable distance (25 feet or more) outside any enclosed area where smoking is prohibited so as to insure that secondhand smoke does not enter the area through entrances, windows, ventilation systems or any other means.

The Success of this policy will depend on the thoughtfulness, consideration, and cooperation of smokers and nonsmokers. All students, faculty, and staff share in the responsibility for adhering to and enforcing this policy

__________________________________________
Signature of Chief Fiscal Officer/Business Manager
8.

CODE OF CONDUCT
PROFESSIONAL AND PERFORMANCE

8.1
DISCIPLINE

Rules and regulations are necessary in every society. The best working conditions prevail where employees conduct themselves with respect and consideration for others, their fellow employees, and their employers. Rules and regulations are needed to provide employee safety, happiness, and productivity.

Miles College has developed a corrective discipline plan which indicates those offenses that normally warrant disciplinary action (see Section 3.13.2 relating to terminating employment). Actions may include reprimand, suspension, and/or dismissal.

8.1.1
PERSONAL BEHAVIOR

It is the desire of the College that all departments are run in a professional manner. Loud noises, inappropriate singing, whistling, arguing, and other types of loud noises should be avoided. Supervisors are called upon to maintain the work environment.

8.1.2
HORSEPLAY

Horseplay is not permitted on college premises. College tools and equipment should not be used in horseplay nor should they be used for any purpose other than for which they were designed. Horseplay is a serious matter which may result in injuries to employees.
8.1.3
REPRIMAND

Either verbal or written reprimand may be made by supervisors for substandard performance, poor attendance, and other types of minor offenses. Reprimands are usually preceded by counseling. Written reprimands must be made a part of the personnel record.

8.1.4
IMPOSED PROBATION

Employees who fail to respond to counseling concerning attendance or performance problems may be placed on imposed probation for one to three months on the authority of the immediate supervisor with the approval of the appropriate Cabinet Member. This action must be reported in writing to the Personnel Office where it will be filed in the employee’s personnel record. Employees who fail to respond to guidance during the period of imposed probation normally will be terminated. Merit wage increases will not be given to employees during this period.

8.1.5
DOWNGRADING

It may be necessary to downgrade an employee’s classification if just cause exists. Normally, this results in a reduction of salary. All down-grading actions must be documented in writing and filed in the employee’s personnel record.

8.1.6
SUSPENSION

Employees who become involved in serious attendance, performance or other problems may be suspended from duty by the supervisor and/or department head for one to ten
workdays. Suspension may also be made when an employee is involved in a serious breach of discipline such as stealing, insubordination, fighting on the job, gambling, and so forth. This type of suspension is normally done to permit an investigation prior to taking final action for an offense.

Employees arrested and charged with a serious crime may be, at the option of the College, suspended and placed on leave of absence without pay pending disposition of the case. All suspension actions must be given to the employee in writing and must be reported to the Personnel Office in writing by the department head or supervisor. This information will be filed in the employee’s personnel record.

No employee benefits will be paid or accrued to any employee while on suspension. Suspension shall not exceed a period of more than 30 days before a final disposition is made. Suspensions requiring an investigation may be with or without pay depending upon final determination and disposition of the case.

8.1.7
DISMISSAL (Modified 11-05)

The appropriate Department Head, Dean, and the Administrator of the area will make a careful review of every case recommended for dismissal before any dismissal notice is given. Such action will be taken only as a last resort after reasonable attempts to correct the employee’s faults have been made.

All letters of Dismissal must be signed by the President and sent to the employee. In all cases, terminating employees should report to Human Resources to obtain a Written Clearance Packet (Exit Paperwork) prior to receiving the final paycheck. Additional information about dismissal is contained in the policy on termination and employment.
8.2
PERSONAL APPEARANCE (Modified 11-05)

Personal neatness and appropriate attire is left largely to the employee. All employees, however, are expected to be careful of their personal hygiene, neatness of attire, and cleanliness of apparel. Flagrant violations of standards of hygiene and cleanliness may be grounds for disciplinary action.

8.3
DRUG AND ALCOHOL ABUSE PREVENTION POLICY (Modified 11-05)

Miles College affirms a strong commitment to compliance with the Drug Free Schools and Communities Act Amendment of 1989 and the requirements as set forth by the Department of Education. Miles College, as a private educational institution, shall not permit on its premises, or at any activity which it sponsors, the possession, use, or distribution of any alcoholic beverage or any illicit drug by any employee or visitor.

In the event of the confirmation of such prohibited possession, use, or distribution by an employee, Miles College shall within the scope of applicable Federal and State due process requirements; take such administrative or disciplinary action as is appropriate.

Such administrative or disciplinary action may include, but shall not be limited to, reprimand, suspension, or termination of employment, or requirement that the employee participate in and/or successfully complete an appropriate rehabilitation program.

Any employee engaging in behavior prohibited by this Policy which is also a violation of Federal, State and Local Law or Ordinance, may be subjected to referral to law enforcement officials for arrest and prosecution. The code of Alabama (1975), section 13A-12-250 specifically states that “the conviction for any unlawful sale of a controlled substance within a three-mile radius of an educational institution brings with it an additional penalty of five (5) years of imprisonment with no provision for parole.”
The College may conduct searches for illegal drugs or alcohol on College premises based on reasonable suspicion. This might include personal vehicles parked on College property, lockers, decks, and searches of the employee when there is a reasonable and articulable basis upon which to believe that illegal drugs or alcohol have been brought on to College property and the search is conducted on College property.

The introduction of narcotics within the work force presents a problem which calls for corrective measures to assure the continuance of a safe and healthy work environment for all employees.

The cooperation of all employees is necessary to control alcohol, narcotics and drugs. You are asked to promptly report any unusual activity and the sale of such items in the work area to your supervisor or, if he/she is not available, to the department head. While security measures should be helpful, we must depend primarily on your assistance and the cooperation of others to keep the kind of work atmosphere in this College one of which we can be proud.

For more information on the Miles College Drug and Alcohol Abuse Prevention Policy, see full text of Policy below.

DRUG AND ALCOHOL USE/ABUSE
REVISED POLICY - APRIL 2001
AMENDED SEPTEMBER 2002

POLICY

Miles College does not condone the use, sale, purchase, transfer, or distribution, by its employees of any illegal drug or non-prescribed drug that requires a prescription. The College strictly prohibits employees from being under the influence of drugs or alcohol while on duty (whether or not on Miles premises), while on Miles premises (whether or not on duty), or while operating a vehicle owned, leased, or rented by Miles College. In addition, should an accident occur while operating a vehicle owned, leased, or rented by
Miles College OR a fall on College premises, an automatic Random Substance Abuse Test will be required.

Violation of this policy will result in disciplinary action, up to and including termination.

1. SEARCHES AND INSPECTIONS

The College reserves the right to search and inspect employees, their personal belongings, and their work areas whenever there is reasonable suspicion that an employee or employees may be in violation of this policy. Any illegal narcotics or non-medically prescribed controlled drug or substance found on College property will be confiscated and, if appropriate, turned over to law enforcement authorities. Violation of this policy is grounds for immediate termination.

2. REASONABLE SUSPICION TESTING

An employee may be asked or required to submit to medical testing procedures designed to detect the presence of drugs and/or alcohol in the body if he or she is acting in a manner that leads to the suspicion that he or she either possesses, controls, or is under the influence of a drug and/or alcohol.

An employee’s supervisor must document instances of suspected drug or alcohol use and discuss it with the employee. In requesting drug testing, it is recommended that the supervisor and his/her superior conduct the meeting with the employee in a confidential and discrete manner away from any other employees.

A reasonable suspicion may arise based on the employee’s appearance, behavior, or speech, or where the employee is found to be in possession of physical evidence (that is, drugs, alcohol, or paraphernalia), or if such materials are found
in the employee’s immediate work area. Reasonable suspicion can be determined or established by a professional opinion, a scientifically valid test, and in some cases by a layperson’s opinion.

A request for testing does not necessarily mean or imply that an employee is under the influence of any improper substance or has violated the College’s policy. Such testing may be requested, when the College determines that it is appropriate in order to promote the interests of the policy. A positive drug test may result in termination. **Any employee who does not consent to or cooperate fully with any search and/or medical testing procedure may be terminated.**

When testing for cause, the employee will be suspended until test results are received. If the results are negative, the employee will be paid for the time off. If the test is positive, the employee will not be paid for time off and must follow the **Disciplinary Actions as outlined below.**

3. **PRESCRIBED MEDICATIONS**

If an employee is on prescribed medication that may lead to the suspicion that he or she is under the influence of drugs or alcohol, it is the employee’s responsibility to advise his or her supervisor or manager of this fact before reporting to work.

4. **SUSPECTED VIOLATION OF THIS POLICY**

Any employee who is believed to be violating this policy may be subject to immediate suspension without pay. Suspension may be followed by dismissal without notice.
5. **DISCIPLINARY ACTIONS**

In some cases of first violation of this policy, *(limited only to employees who have already satisfied any probationary period)* an employee may be given at the discretion of the College, the option to participate satisfactorily in an approved drug or alcohol abuse assistance or rehabilitation program in lieu of dismissal. Participation in such an assistance or rehabilitation program is at the expense of the employee. The option shall not be available for subsequent violations of the policy.

Rehabilitation Centers are too numerous to list. However, the employee needing assistance may be able to obtain additional information from the Office of Human Resources.

The reinstatement of any employee following his/her attendance in a rehabilitation program is conditioned in part, upon the College being furnished evidence of the employee’s successful completion of any such program. An employee’s leave during their participation in a rehab program is without pay. Reinstatement may be further conditioned upon an employee’s agreeing to random drug testing for a specific period (12 months) at his or her own expense.

6. **FEDERAL DRUG-FREE WORKPLACE ACT OF 1988**

As required by the federal Drug-Free Workplace Act of 1988, any employee convicted of violating any criminal drug statute while on the job or in the workplace must notify Human Resources of the conviction no later than five (5) days after the conviction. Failure to give such notice may result in termination. The College must notify the procurement agency of any such employee conviction within ten (10) days of receiving notification of the conviction from the employee. Any employee convicted of a criminal drug offense may be subject to termination.
EXCEPTIONS

Legally prescribed medications are excluded from this rule only to the extent that the use of such medications does not adversely affect the employee’s work ability, job performance, or the safety of the employee or others.

CONFIDENTIALITY PROVISION

The disclosure of employee testing and results are limited to the Director of Human Resources, The Chief Fiscal Officer/Business Manager and any others on a strictly “need to know basis.”

TESTING PROCEDURES

☑ Employee will go to Work Wise Clinic and sign in at the front desk.

☑ The secretary will have the employee fill out a Release of Information form and Consent to Obtain Specimen for Substance Abuse and Identification of Current Medications form.

☑ The employee will be required to show a picture ID and a copy will be kept with all consent forms.

☑ When the employee is called for testing he/she will be asked to remove any outer garment or hat. Their pockets must be emptied and their hands washed.

☑ The specimen is collected and sealed following Chain of Custody Procedures. The sealed specimen is then sent to a NIDA certified laboratory for processing.
NOTE: Upon a positive result, an additional test of the same sample specimen may be requested at the employee’s expense. The employee should have a right to be furnished with a copy of a positive test result upon written request.

Approved By: ___________________________ Date: _____________

Chief Fiscal Officer/Business Manager
8.4
ABSENTEEISM AND TARDINESS (Modified 11-05)

Employees are required to report for duty at the time prescribed and prepared for work at the beginning of their work period. Any employee who is repeatedly late for work jeopardizes his evaluation and could present grounds for dismissal (see Section 3.13.2).

8.5
SAFEGUARDING COLLEGE EQUIPMENT AND SUPPLIES (Modified 11-05)

All employees who handle College equipment are responsible for the care and security of such equipment while it is in their possession or under their control. Employees are not permitted to use College equipment for personal reasons. Unauthorized use, removal or destruction of College equipment or property may be cause for immediate dismissal.

Employees found guilty of careless, mischievous, malicious or willful destruction of College equipment or property may be required to pay for the repair, recovery or replacement of equipment or property. In addition, this may be cause for immediate dismissal.
9.

GENERAL INFORMATION

9.1 BULLETIN BOARDS

Bulletin boards are placed in strategic areas throughout the College and display information of interest to employees.

Supervisors and department heads are responsible for material placed on bulletin boards. Such boards are intended for official and semi-official information. Good judgment and discretion should be practiced in using these boards. All notices must be approved by the Dean of Students before posting.

9.2 LOST AND FOUND

Articles found on the premises of Miles College will be turned in to College Security.

9.3 COLLEGE MASCOT, MOTTO, AND ALMA MATER

MASCOT
THE GOLDEN BEARS

MOTTO
“Sapientia et Pax et Amor Omnibus”
“Knowledge and peace and love for all”
ALMA MATER

TUNE: “All Through the Night”

Hail to thee, our Alma Mater,
    Dear Old Miles.
Though we toil, we’ll not forget thee,
    Dear Old Miles.
We will love thee as our home
Though amid life’s grandeur roam,
Alma Mater, Alma Mater,
    Dear Old Miles.

Miles the home of Southern beauty,
    We love thee well.
Let our voices ring with praises,
    Thy wonders tell.
We, thy loyal sons and daughters
    Pledge to thee our loyalty.
For we love thee, yes, we love thee,
    Dear Old Miles.

We will strive in life to serve thee,
    Dear Old Miles.
All success in life we owe thee,
    Dear Old Miles.
O’er the hills and grassy plains,
    Never shall our prestige wane;
Honor, love and praise we give thee,
    Dear Old Miles.

Catherine L. Vaughans ‘28
ADMINISTRATIVE POLICIES

POLICY

The Business Office operation is organized for the purpose of managing financial and physical resources to support the purpose of the Institution. Policies have been developed according to the National College and University Business Officer’s association (NACUBO) standards, and federal laws.

The following procedures have been developed to support sound educational planning, provide efficient service to faculty, staff and students, and to furnish accurate internal and external reporting.

BUDGETING

The Institution’s staff and faculty participate in the preparation of a detailed annual budget. The Institutional budget process requires the following steps:

Faculty members are responsible for preparing a budget for his/her academic assignment. The budget must include a list of supplies, contractual service and equipment requirements for the coming fiscal year.

Budget requests prepared by the faculty are submitted to the department chairperson. The Dean reviews the budget request and submits it to the Business Manager. The Business Manager is responsible for preparing the Institution’s annual budget which is submitted to the President for approval. After the President’s approval, the budget is submitted to the Board of Trustees for approval.

After approval by the Board of Trustees, budgets for each department are entered into the computer system. As expenses occur during the year, they are charged to the appropriate
budget categories. A statement of available budget balances is furnished to the department heads each month.

Budget revisions are made as conditions require based on the request from the department chairperson/supervisor. In the case of a decrease in funding, or other circumstances, budget revisions will be communicated by the Business Manager to those affected within the Institution.

**CASHIERING**

The College employs a Cashier who is responsible for receiving all funds. A Bond for the position is purchased in a sufficient amount to cover the revenue received.

No funds are to be collected in any of the campus buildings or on campus grounds unless written approval is given by the immediate supervisor, whose approval shall be subject to final approval by the Business Manager.

**REFUND POLICY**

The College has a policy on refunding fees and charges to students who withdraw from enrollment and this policy is published in the “Statement of Expenses” on page 4, and in the College Catalog. This policy is in keeping with generally accepted refund practices in the higher education community, and is applicable to all students.

**PURCHASING POLICY**

The purchasing responsibility of the College is primarily vested in the Business Manager. The decision to purchase College books, supplies, equipment, etc., is based upon need analysis and availability of financial resources.
REQUEST FOR FUNDS

Purchase requests for academic support (books, supplies, etc.) originate in the academic program and with division chairpersons. The academic program and division chairpersons submit their purchase requisitions to the Dean of Academic Affairs for approval. If approved, the Dean of Academic Affairs forwards the purchase requisitions to the Comptroller’s Office. However, if disapproved, the purchase requisitions are returned to the requesting program or division for adjustment.

Purchase requests for non academic support (supplies, equipment, etc.) originate with the non academic unit supervisors. The non academic unit supervisors submit their purchase requisitions to the Comptroller’s Office for approval. If disapproved, the purchase requisitions are forwarded to the non academic unit supervisors for adjustments. Purchasing procedures must comply with the College’s guidelines which are provided in detail in the Business Office Procedures Manual. The department head is responsible for reviewing the request for available budget, and its relative use in the department.

Requests for Funds should be submitted as follows:

- All requests for funds should be submitted to the Comptroller’s Office for budget approval.
- All requests should have the supervisor’s signature and your departmental account number(s). If you do not know your account number, call the Comptroller.
- All requests for items costing in excess of $500.00 must have at least three (3) bids.
- All purchase receipts must be submitted to Accounts Payable after each purchase.
- All requests for funds are approved based on the availability of funds and should be submitted at least five (5) days prior to need.
- Individuals making unauthorized purchases are responsible for those purchases.
REQUISITION FOR PURCHASE ORDER

An approved purchase order constitutes a contract which is binding on both the part of the College and the Vendor. All purchase orders, adjustments, cancellations, and/or revisions to the purchase orders must be written and approved by the President or his designee, the Business Manager. An employee who violates this policy is personally responsible for payment to the vendor.

The items to be purchased must be listed separately with the description clearly stated. General descriptions such as “office supplies” are not acceptable. The unit price for each item should be listed and extended to the total column. The total of all items must be placed at the bottom of the page.

The department head is responsible for reviewing the requisition for available budget, and its relative use in the department. After the department head’s approval, the requisition must be forwarded to the Office of Business Affairs for budget approval and the issuing of a purchase order.

PURCHASE ORDER

Purchase Orders are issued by the Business Office based on an authorized Requisition for a Purchase Order. The receiving department is responsible for receiving packages and is issued a copy of the purchase order. The receiving copy of the purchase order is used to verify receipt of goods or services. After the employee has verified receipt of the material or services ordered, the receiving copy of the purchase order and shipping slip is forwarded to the Accounts Payable Office for schedule payment.

PAYROLL

Payroll policy, reporting calculation and distribution is explained in Section 4 in the Compensation section.
PETTY CASH

An employee maybe reimbursed for a purchase of $20.00 or less with the immediate supervisor’s approval. Purchases in excess of $20.00 are not authorized. All purchases in excess of this amount must be processed through a request for funds or a requisition for purchase order.

All reimbursements from Petty Cash require the approval of the Business Manager and a receipt for the expenditure must be furnished.

TRAVEL

All official travel must have the approval of the President. The basic rules and regulations governing official travel for faculty and staff members are made by the President and/or the Business Manager on the basis of availability of funds and priority of College business.

Requests for travel advances at the College’s expense should be submitted on the proper form by the department chairperson, the director, or administrative officer to the Business Office for proper approval. All such requests must be submitted seven (7) days in advance.

The Dean, Chairperson, or Administrative Officer of each department/division has been authorized to act for the President in approving requests for travel if no direct expense to the College is involved for the travel. The approving officer must keep an accurate record of all such travel.

Travel for the purpose of attending funerals of Miles College staff and faculty members or their families is not considered official travel. College owned vehicles may not be used for this purpose, nor will mileage be paid for use of private automobiles.
PER DIEM REGULATIONS (MODIFIED 11-05)

Employees authorized to travel for the College, in the State of Alabama, will be reimbursed for travel expense incurred not to exceed thirty-five dollars ($35.00) per day. Travel expenses incurred out of the State in excess of Thirty-five dollars ($35.00) shall be reimbursed based upon the Business Manager’s prior approval. Receipts must be furnished in order to claim reimbursement for expenses over Thirty-five dollars ($35.00) per day.

Travel expense report vouchers presented for payment must not exceed the amount approved by the Office of Business Affairs. Subsistence in excess of the amount originally authorized and other unauthorized expenditures are not reimbursed by the College.

When travel by private vehicle is authorized, the cost of transportation will be based on thirty-five cents ($0.35) per mile for privately owned vehicles or round trip tourist airfare whichever is lower. This rate includes all expenses related to such transportation. No repairs, gasoline or oil, storage, car washes, or other expenses shall be paid. An employee of the College traveling in his/her own personal car, for which he/she is claiming mileage, shall travel by the shortest travel route and mileage shall be based upon the official highway map.

Receipts are necessary when traveling by train, bus or any commercial airline. Travel by commercial airlines will be reimbursed only at the coach fare; if the coach fare is not available, prior approval must be obtained before making first class arrangements.
USE OF COLLEGE VEHICLES (MODIFIED 11-05)

Departments or Divisions using College vehicles, with exclusion of bus, will be reimbursed to the transportation pool at the rate of fifty-five cents (**$0.55**) per mile, plus gas; if a driver has to be furnished, the fee will be ninety cents (**$0.90**) per mile or sixty-five dollars (**$65.00**) per day plus gas, whichever is greater. For overnight trips, an additional fifty-five dollars (**$55.00**) per day will be charged. Use of a College bus shall be reimbursable at the rate of one dollar and nine-fifty cents (**$1.95**) per mile with driver for one-day trips; for overnight trips it shall be an additional fifty-five dollars (**$55.00**).

**Basic regulations are as follows:**

1. **Official Stations:** The official station of an employee shall be the location of his permanent office. Mileage and per diem shall be computed from an employee’s home or his official station; whichever is less, dependent upon actual conditions.

2. **Departure and Return:** The time of departure from and return to the College campus for each travel assignment must be shown on the expense report.

3. **Saturday, Sunday, and Holidays:** Travel cost will be allowed for Saturdays, Sundays, and Holidays when the per diem incurred by the employee remaining at his assignment is necessary for the proper transaction of official business.

4. Employees traveling on official business for a period between 6-12 hours shall be reimbursed for meals at a rate of ten dollars (**$10.00**); for those traveling over 12 hours, but not overnight, the reimbursement shall be at the rate of eighteen dollars and fifty cents (**$18.50**) for meals.

**MISCELLANEOUS EXPENSES**

Receipts for cash expenditures, in support of expense claims, should be presented for reimbursement on an itemized report.
1. Telephone and telegraph expenses will be listed as miscellaneous expenses. The name of the person or institution called and reason for the call should be indicated on the travel report. If calls are made from an employee’s home, then the total bill must accompany the receipt. Receipts signed for telephone calls by members of the employee’s family will not be accepted. Federal tax on tolls cannot be reimbursed.

2. Taxi fares and the cost of other local public conveyances are allowable for official travel from official station to transportation terminal to place of lodging and return; to place of visitation. The amount of taxi fares to be reimbursed should be itemized by the individual, showing starting and ending locations. Receipts are required for reimbursement.

3. Parking fees paid to park personal vehicles while traveling on College business will be reimbursed. A receipt must be submitted with the expense report.

4. Charges for meals included in registration fees will not be reimbursed. Receipts for such registration fees and other costs shall be completely itemized as requested by the Business Office for proper pre-audit. It is the duty of the employee to secure the necessary breakdown of such cost at the time of payment. Fees paid for the purpose of attaining membership or other personal benefits from an organization will not be reimbursed.

5. Purchase of any type of supplies will be allowed on an expense claim only in extreme emergencies and then only when an acceptable reason is given.
**EQUIPMENT**

**Inventory**
The College equipment inventory is prepared when the accounts payable department processes invoice for payments. The inventory form, which contains a detailed description of the item, is completed and an inventory number is assigned. The faculty/staff member or department head acknowledges the receipt of the equipment by signing and dating the inventory form. The description and inventory number is recorded in the departmental inventory and cost included in the total equipment value.

**Disposal**

The employee who wishes to remove obsolete and worn-out items for the department completes a Disposal of Equipment Form. After the removal of equipment, the items are deducted from the department’s inventory total.

**Transfer**

Transfer of equipment between two departments within the Institution requires an Interdepartmental Transfer Form. The Property control clerk uses this form to update the departmental inventories.

**FACILITIES AND SERVICES (MODIFIED 11-05)**

**Library**

The Learning Resources Center (LRC) is open for use from 8:00 a.m. to 10:00 p.m., Monday through Thursday; 8:00 a.m. to 5:00 p.m. on Friday; 1:00 p.m. to 5:00 p.m. on Saturday; and 2:00 p.m. to 10:00 p.m. on Sunday.

Extended hours of operations during Final Exams until 12:00 midnight the week before Final Exams and the week of Final Exams are available.
PUBLIC RELATIONS

All official publications of Miles College shall conform to the following policies governing such publications. Likewise, all official publications of Miles College shall conform to the guidelines set forth in the Miles College Affirmative Action Plan. In addition, all advertising (print and electronic), recruitment materials, and other official publications shall accurately represent the Institution and shall rigorously conform to the principles of good practice. All such advertising and publications of the College shall present a positive and favorable image of the College while adhering to the principles of truth-in-advertising.

RECREATION CENTER

The Recreation Center is located on the second floor of the Norton Student Union Building. The Center is open to faculty, staff and students five days a week, Monday through Friday.

FOOD SERVICE

Snack Bar and Cafeteria

The College provides a Snack Bar and Cafeteria located on the first level of the Norton Student Union Building operated by external management.
Addendum to Staff Handbook

Intellectual Property Policy

Introduction and Scope.

a) Miles College is a private liberal arts College that embraces its mission of teaching and academically preparing students. The College encourages research and scholarship and recognizes that inventions, discoveries, and creative works may arise from the scholarly activities of the College. Miles promotes the use of such intellectual property for the public good and encourages development and commercialization of inventions, discoveries, and creative works through patenting or copyrighting.

b) Miles may designate one or more commercialization agent(s) for the intellectual property of the College. To accomplish this, Miles College shall assign to such agent(s) the rights, title, and interest to certain intellectual property created, invented, or discovered by Miles faculty, staff, students, and others for the purpose of evaluation, filing for appropriate legal protection, marketing, and development.

c) All rights in intellectual property subject to this policy shall be allocated in accordance with this intellectual property policy and other College policies. The Appendices to this Policy provide additional information and serve to implement and may further define the Policy.

Types of Intellectual Property Subject to this Policy.

Except as set forth in other related College policies, this policy applies to all types of intellectual property, including, but not limited to, any invention, discovery, creation, know-how, trade secret, technology, scientific or technological development, mask work, trademark, research data, work of authorship, and computer software regardless of whether subject to protection under patent, trademark copyright, or other laws.

Individuals Subject to this Policy.

This intellectual property policy applies to:

a) All persons employed by, paid by, or under contract with Miles College, unless expressly exempted by contract, including, but not limited to, full and part-time faculty and staff and visiting faculty members and researchers, consultants, and students.

b) Students working on sponsored projects and/or who use Miles College resources other than for lecture-based coursework or other course-related assignments.
c) Anyone using the facilities or resources of the College, as defined in this policy, or the facilities of any entity affiliated with Miles College for the purposes or in the manner described in “Determination of Ownership Rights in Intellectual Property.”

College Resources. For purposes of this policy, use of College resources:

a) Means the use of College funds, facilities, equipment, personnel, tangible or intangible research materials, information and/or materials that are not publicly or freely available to the public, and funds provided through externally funded grants, contracts, or other types of awards or agreements with third parties – including gifts to the College, and anything not covered in subsection (b) below.

b) Does not include the use of College designated office space, routinely available office-type equipment such as desktop personal computers, and the College library facilities.

Determination of Ownership Rights in Intellectual Property. Unless provided for otherwise in this policy:

a. College Ownership. The College retains all rights to any intellectual property conceived, created, developed, fixed*, or first actually reduced to practice by a Creator:

i. Within the scope of their employment or official association and/or appointment with the College – inclusive of summer months and holidays; or

ii. As part of activities directly or indirectly related to College research whether the research is externally or internally funded or pursuant to an agreement or contract of any type (including gifts) between the College and a third party; or

iii. In support of specific College initiatives; or

iv. Using College resources, including any resources provided through externally funded and/or outreach initiatives.

v. For clarification purposes, the College shall retain rights to:

1. Classes and/or Courseware developed for teaching at the College whether fixed in tangible or electronic media. For illustration purposes only, a Class includes the syllabus and any Class notes, if provided, but would not include teaching notes. Courseware includes any and all software and digital material (in any media).

Any Classes which are videotaped or recorded using any other media are College property, and may not be further distributed without permission from the College and pursuant to an approved contractual agreement. Prior to videotaping, permission should be obtained from anyone who will appear in the final program. Permission is not required for 1) the use of videotaped or recorded Classes for student related or other College purposes or 2) for evanescent recordings.
With regard to Courseware, if the College enters into an agreement with a third party to license or otherwise authorize the use, distribution, replication, and sale of such Courseware to third parties for a profit, the College and Author shall share the Copyright Income related to such transactions in accordance with the Income Distribution Plan.

2. Any and all Marks (trademarks and service marks) relating to Miles College and its affiliates. Pursuant to this Policy, College faculty, staff and students grant and assign to Miles College their entire right, title and interest in and to all marks which relate in any way to the business or activities of Miles College.

Note: Research data or results created by an employee are owned by the College and, except to the extent that rights to such research data have not been contractually assigned or licensed to a third party, the Creator shall have a nonexclusive, perpetual license to use such data for nonprofit educational research and scholarly purposes within the scope of the employee's employment, subject to other provisions of this policy. Inventorship shall be determined in accordance with United States Patent Law.

* Under Section 101 of the 1976 Copyright Act, ”a work is fixed in a tangible medium of expression when its embodiment in a copy or phonorecord, by or under the authority of the author, is sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration. A work consisting of sounds, images, or both, that are being transmitted, is fixed for purposes of this title if a fixation of the work is being made simultaneously with its transmission.”


b. Creator Ownership. Creator(s) shall retain all rights to any intellectual property authored, invented, created, discovered, developed, or generated by Creator(s):

i. On the Creator’s own personal, unpaid time; or

ii. Unrelated to the individual’s College responsibilities; and

iii. Without the use of College resources, including any resources provided through externally funded programs or contracts (including gifts).

iv. For clarification purposes, Creators shall retain rights to:

1. Creative or scholarly works including artworks, musical compositions, and literary works directly related to their professional endeavors, credentials, and/or activities. This includes any personal material created, developed, or used solely by Authors in connection with their delivery of College Classes.
2. Textbooks and other materials which are developed without aid or compensation from the College.

c. Student Ownership Exception. In accordance with this policy, student Creators do not hold the rights to intellectual property created, developed, or generated:

i. In the course of rendering compensated services to the College; or

ii. As part of sponsored research or projects; or

iii. Pursuant to an agreement that requires the College and/or student to assign his or her rights either to the College or to a third party; or

iv. Using pre-existing or background intellectual property belonging to the College or to a third party with whom the College has a contract under which such background intellectual property rights are already allocated.

v. Notes:

1. Student retains a non-exclusive, royalty-free, perpetual, irrevocable license to use, reproduce, and publicly distribute, for educational and/or research purposes, copies of intellectual property created by student.

2. If intellectual property is developed or generated as a group class project, joint ownership by the collaborators will be assumed unless a prior written agreement exists among the collaborators.

d. Other. There may be instances when College faculty, staff, students, and/or others enter into written agreements with the College to collaborate in the development of intellectual property. These agreements may provide for allocation of intellectual property rights in a manner that is not consistent with this Policy. Each such agreement shall be valid only when approved by the College. While each agreement may contain unique provisions, all such agreements must require disclosure of any intellectual property in accordance with the terms of this Policy.

Use of Facilities and Resources.

Unless authorized or allowed under a College policy, the Miles College facilities and resources shall not be used to:

a) Create, develop, or commercialize intellectual property outside the course and scope of employment and/or College related-responsibilities of the individual; or

b) To further develop or commercialize intellectual properties that have been licensed, released, or are otherwise subject to third party interests except as approved by the College in instances where the College has retained an interest under the terms of the license or release.
Background Information and Special Issues

1. Patents

a. Objectives.

The objectives of the College's policy regarding patents include the following:

i. Encourage research and scholarship as creative academic endeavors while recognizing that commercially viable inventions may yield benefits to both the College and inventors;

ii. Delineate procedures that assist inventors in reporting discoveries with patent potential and safeguard the interests of all concerned parties;

iii. Make inventions resulting from academic research available to the public and promote their effective utilization and development;

iv. Provide adequate recognition and incentives to inventors through shares in proceeds from their inventions; and

v. Provide an appropriate framework to recognize the equity of sponsors by allowing reasonable and equitable provisions for the granting of patent rights to the sponsor.

b. Term. Generally, the term of a new patent is 20 years from the date on which the application for the patent was filed in the United States or, in special cases, from the date an earlier related application was filed, subject to the payment of maintenance fees. U.S. patent grants are effective only within the United States, U.S. territories, and U.S. possessions. Under certain circumstances, patent term extensions or adjustments may be available.

c. Protection. A provisional application may be filed as a “lower-cost first patent filing” to secure an initial filing date for an invention that will be the subject of a corresponding non-provisional application.

1) To retain the initial date, the non-provisional application must be filed within one year of the provisional application filing date.

2) The provisional application does not require a formal patent claim, oath or declaration, or any information disclosure (prior art) statement and allows the inventor to use the term "Patent Pending" when describing the invention.

3) The inventor may convert the provisional application to a non-provisional application by filing a petition within one year of the provisional application filing date; however, the term of the patent associated with the invention will be negatively impacted since the term will be measured from the filing date of the non-provisional application.

d. Ownership.
The rights of Miles College in patents arising from research will vary in accordance with the College Intellectual Property Policy.

In order to avoid any questions concerning the tax exempt status of financing used for certain College facilities/resources, Miles shall, with regard to sponsored research activities, seek to:

i. Retain ownership of inventions arising during performance of research sponsored by any private industry and/or federal Government sponsor and

ii. Grant to such sponsor(s) any right in the invention under compensation terms that are set after the time when the invention comes into existence and that are at a fair market level of compensation to Miles. Under the terms of certain contracts and agreements between Miles and various sponsors, Miles may be required to license patent rights to the contracting party.

iii. Miles retains the right to enter into such agreements whenever such action is considered to be both in its best interest and in the public interest. The College will not agree to grant any rights in future inventions to private corporations or businesses unless such provision is included in the contract that sponsored the work leading to the invention.

iv. Special cases not covered by the above statements or which arise because of conflict of interest shall be considered by the College.

v. In the absence of an agreement allocating intellectual property rights, and subject to any licensing arrangements and this Policy, Miles College’s policy with regard to ownership of intellectual property is as follows:

1. College shall retain title to all intellectual property including supporting data for all discoveries and/or inventions made exclusively by any individual subject to this Intellectual Property Policy.

2. College shall share ownership of intellectual property including supporting data for all discoveries and/or inventions made jointly by any individual subject to this Intellectual Property Policy and a third party.

e. College Responsibilities.

During the summer sessions and extended College holiday periods, the College will have the authority to: a) Expedite the review of patent disclosures deemed time critical, in terms of negotiations with prospective licensees, meeting filing deadlines, and the like; b) Initiate negotiations with prospective licensees for patent filing/processing fees or the like; and c) Such other activities that are time critical and cannot be delayed for handling at a regular or special called meeting or semester.

f. Record Keeping Guidelines.
Good laboratory practice dictates the use of bound notebooks for record keeping, making entries on a daily basis. This "diary" format provides a day-to-day chronology. Use the notebook to record a conception (a complete description of a means to accomplish a particular purpose or result), laboratory data, and drawings. Each entry should be headed with a title and continued on successive pages. Make entries in ink and do not erase; instead, draw a line through text or drawings to be deleted and enter the material in corrected form. Draw a line through any blank spaces on the page. Separate sheets and photographs pasted to notebook pages should be referred to in an entry. Material that cannot be incorporated in the notebook should be keyed to an entry. Sign and date all entries at the time they are made and have them witnessed by an individual who is capable of understanding the material yet had nothing to do with producing it. Secure additional witnesses when something important or highly unusual is discovered. Remember that an inventor and his or her co-inventor(s) cannot serve as their own witnesses. Records - when made a matter of routine - take only a small amount of time and effort, become an invaluable asset to work in progress, and may ultimately reserve for the inventor those rights to which he or she is, by priority, entitled. Records that support the conception, development and demonstration of a particular intellectual property should be available for review by the College and patent officials at each stage of review of a particular disclosure.

2. Copyrights

a. Introduction and Scope.

Copyright ownership and rights are defined by federal law. College policy is structured within the context of the federal copyright law and the long-standing academic tradition that Creators of works own the copyright resulting from their research, teaching, and writing. Exceptions to this rule may result from contractual obligations, from employment obligations, from certain uses of College facilities/resources, or by agreement governing access to certain College resources. This Policy addresses these exceptions.

The 1976 Copyright Act generally gives the owner of copyright the exclusive right to reproduce the copyrighted work, to prepare derivative works, to distribute copies of the copyrighted work, to perform the copyrighted work publicly, or to display the copyrighted work publicly. The copyright protects the form of expression rather than the subject matter of the writing. For example, a description of a machine could be copyrighted, but this would only prevent others from copying the description; it would not prevent others from writing a description of their own or from making and using the machine.

b. Copyrighted Materials may include the following:

- Books, journal articles, texts, glossaries, bibliographies, class notes, study guides, laboratory manuals, reports, syllabi, tests, and proposals;
- Lectures, musical or dramatic compositions, unpublished script, works of art;
- Films, filmstrips, charts, transparencies, and other visual aids;
- Video and audio tapes or cassettes;
- Live video and audio broadcasts;
- Programmed instructional materials;
- Mask works;
- Other materials or works that qualify for protection under the copyright laws of the United States (USC 102).

c. Ownership. Copyright ownership of all work by College employees or students shall be allocated in accordance with the College Intellectual Property Policy. When using outside consultants/independent contractors to perform work for the College, whether under a sponsored program or otherwise, College employees must ensure there is a written agreement or adequate provisions in other agreements with the consultants/independent contractors to assign the rights to and in all works to the College.

2. Computer Software Copyrights

a. Ownership. Ownership of computer software developed by faculty, staff, and student employees of the College shall be handled in accordance with the College Intellectual Property Policy.

b. Funding by Other College Agent(s). If computer software is developed by faculty, staff, or student employees but funded by another designated College agent(s) pursuant to a contract between the parties, then the College shall require the designated agent(s) to pay the Creator(s) the royalty payments that the Creators(s) would have received after appropriate review and recommendation by the College if the computer software had been funded and developed by the College.

Appeal Process.

a) A Creator may appeal a decision or determination made pursuant to this policy by submitting an appeal in writing to the College within thirty (30) days of receiving notice of the decision or determination.

b) The College shall review the appeal and render a decision in writing within a reasonable time of receiving the appeal.
a) “Class” includes a set of educational objectives that are identified in a syllabus and delivered either by an instructor, or under an instructor’s supervision and pursuant to the College’s policies.

b) “Class Notes” are notes or other instructional material provided to the participants by the instructor as part of a Class.

c) “Copyright” is a form of protection provided to the authors of “original works of authorship” including literary, dramatic, musical, artistic, and certain other intellectual works, both published and unpublished.

d) “Copyright Income” is defined to include income associated with any copyright disclosure made to the IPC for exploitation, even if the income is received before a copyright application has been filed or a copyright issued, and includes such monies received as royalties, fees, advanced payments, court awarded infringement damages, payments received in settlement of infringement disputes, and the like, calculated after the costs of exploiting the disclosure have been reimbursed to the employee(s) or the College, whichever funded the original exploitation. Some examples of such costs are the cost of securing the appropriate copyright licenses, and other legal efforts as required. Copyright Income shall not include indirect economic benefits resulting from the technological position established by the copyrighted technology or the sale of derived articles or concepts, including such items as a follow-on sponsored programs that uses the copyrighted technology as a basis for future work.

e) “Courseware” shall mean educational material in the form of software programs/applications and data (usually digital and/or packaged for use with a computer) and intended for classroom instruction (in class or remotely) or for a self-learning or faculty/coach assisted program.

f) "Creative and Scholarly Works" shall mean traditional academic publications, such as professional papers published in scholarly journals, or newly created texts published in journals or books.

g) “Creator” is defined as an author of, inventor of, or person who discovers, develops, or generates any type of intellectual property. Inventorship and authorship shall be determined in accordance with patent law and copyright law, respectively.

h) "Intellectual Property" shall mean any patentable materials, copyrighted materials, trademarks and service marks, software, art and creative endeavors, and trade secrets, whether or not formal protection is sought.

i) “Patent” refers to the grant of a property right to the inventor, issued by the United States Patent and Trademark Office (USPTO) or foreign analog.

j) "Patent Income" is defined to include income associated with any patent disclosure made to the College for exploitation, even if the income is received before a patent application has been filed.
or a patent issued, and includes such monies received as royalties, fees, advanced payments, court awarded infringement damages, payments received in settlement of infringement disputes, and the like, calculated after the costs of exploiting the disclosure have been reimbursed to the College. Some examples of such costs include, but are not limited to, the cost of securing the patent, appropriate licenses, and other legal efforts as required. Patent Income shall not include indirect economic benefits resulting from the technological position established by the patented technology or the sale of derived articles or concepts, including such items as follow-on sponsored programs that use the patented technology as a basis for future work.

k) "Software" shall mean one or more computer programs existing in any form, along with any associated operational procedures, manual, or other documentation, whether or not protectable or protected by patent or copyright. The term "computer program" shall mean a set of instructions and statements of related data that, in actual or modified form, is capable of causing a computer or computer system to perform specified functions.

l) "Teaching Notes" are the personal notes of the instructor regarding the delivery of a Class.

m) "Trade Secret" shall refer to information that companies keep secret to give them an advantage over their competitors.

n) "Trademark" is a word, phrase, symbol, or design, or a combination thereof, that identifies and distinguishes the source of the goods of one party from those of others. A “service mark” is the same as a trademark except that it identifies and distinguishes the source of a service rather than a product. The College is concerned only with trademark issues that pertain to patented or copyrighted Intellectual Property of the College. All other trademark issues should be directed to the appropriate College officials.

o) "College" includes Miles College and all of its administrative units, including but not limited to departments, centers, institutes, consortia and other similar organizations, regardless of source of funding.

Publication.

Faculty, staff, students, and others may contract with third parties to publish their own research results and other scholarly information unless there are contractually imposed restrictions or temporary restrictions imposed to protect intellectual property that may be the subject of an application for intellectual property protection.


All Creators have a duty to promptly disclose any intellectual property authored, invented, created, discovered, developed, or generated by Creator(s) to Miles College in accordance with the procedures in this policy.
Assignment of Intellectual Property.

a) If any intellectual property is determined, in accordance with this policy, to be owned by Miles College, Miles College may, at its sole discretion, assign all rights, title, and interests to one or more designated commercialization agents.

b) Faculty, staff, students, and others may not assign or license intellectual property owned by the College without the written consent of the College or its designated commercialization agent(s), as applicable. The College has the ultimate right to resolve any conflicts relating to ownership of intellectual property rights arising in connection with contracts between the College and third parties or organizations.

c) In the event that faculty, staff, students, or others are Creators of intellectual property owned by an external entity and the intellectual property does not fall within the scope of this Policy, (e.g., it is not the subject of an agreement between the external entity and the College/its designated commercialization agent(s)) this intellectual property policy will not apply. Neither Miles College nor its designated commercialization agent(s) will have any obligations with regard to negotiation of terms and conditions, patenting, licensing, or royalty distribution.

d) When using outside consultants/independent contractors to perform work for the College that is not specifically identified in a sponsored research or other contract, there must be a written agreement established through procurement or other College policies/mechanisms ensuring proper assignment of intellectual property.

e) Any special cases and unique situations relating to intellectual property and not specifically covered by this policy or any other College policy, or which arise because of conflict(s) of interest, shall be brought to the attention of the College Administration.

College Holiday Periods.

During the summer sessions and extended College holiday periods, the College will have the authority to: a) Expedite the review of intellectual property disclosures deemed time critical, in terms of negotiations with prospective licensees, meeting filing deadlines, and the like; b) initiate negotiations with prospective licensees for patent filing/processing fees or the like; and c) such other activities that are time critical and cannot be delayed for handling at a regular or special called meeting or semester.
Intellectual Property Disclosure and Related Procedures.

a) Creators have a duty to promptly disclose all Intellectual Property to the College.

b) With regard to College owned intellectual property, particularly patents and/or patentable inventions, each Creator has a duty to promptly disclose any intellectual property discovered, conceived, or first reduced to practice to the College prior to disclosing such information to ANY other third party.

c) When a disclosure of Intellectual Property is received by the College, it has a duty to promptly evaluate and provide final disposition of the rights to the intellectual property disclosed. The College shall determine a preliminary course of action based on the commercial potential of the invention. The College will provide notice of any potential delays, and recommend alternative courses of action if unexpected delays are encountered.

d) After reviewing the relevant materials and conducting discussions with the Creator(s), the College may recommend that additional information be gathered to determine the ownership, legal, competitive, and market issues that have bearing on the patenting, copyrighting, or trademark decision. After that information is collected and evaluated, the College will recommend one of two courses of action:

i. Assert its sole interest in the intellectual property in writing and recommend that the College pursue an application for protection using its own financial and legal resources and/or refer the intellectual property to a designated commercialization agent as determined by College's agreement with such commercialization agent;

ii. Return or assign sole interest in the Intellectual Property to the Creator(s) for their own pursuits, relinquishing in writing all College interests in said Intellectual Property as well as any related responsibilities for costs and reserving for itself a fee-free and royalty-free, perpetual, irrevocable license to use the Intellectual Property in its academic, research and other non-commercial scholarly endeavors. The agreement between the parties shall be in accordance with this policy.

e) For trademark requests, the College will forward a decision to the Responsible Individual/Organization.

f) If the College pursues a patent or copyright application, its designated commercialization agent shall manage the interactions and timelines with attorneys and the USPTO but will rely on the Creator(s) to provide sufficient technical details and insight so that attorneys will be able to craft the best possible protection.

g) Pursuit of foreign patent applications will only be recommended to the College when: (a) there is substantial justification for the commercial potential of the invention; (b) one or more firms have expressed their intent or made a commitment to license the technology; or (c) a
potential licensee will assume all filing and other foreign application costs. Foreign patent applications will be reviewed annually and may be dropped at the College’s discretion depending on actual or potential licensing activity. With the College’s approval and subject to mutual agreement regarding the allocation of each party’s rights, Creators and/or sponsors may request and be granted rights to assume such costs on foreign patent applications.

h) If a patent is dropped or abandoned, the rights may be released to the inventor(s) subject to a stipulation that any direct patenting costs incurred by the College be reimbursed if the patent generates income. If and when appropriate, income distribution arrangements shall be handled on a case by case basis between the College and the inventor(s) and shall be subject to College approval. The College shall review the status of all disclosures and pending or issued patents provided by the designated commercialization agent in accordance with College policies.

i) Reassignment to Creator(s) of College Intellectual Property.

Should the College, or its designated commercialization agent(s), decide not to assert its rights in and to the Intellectual Property for administration, or if at any future time decide not to take any further action in protection or commercialization of the Intellectual Property, it shall exert reasonable efforts to notify the Creator(s) and, upon request of the Creator(s), and subject to prior commitments or obligations, relinquish in writing all College interests in the Intellectual Property as well as any related responsibilities for costs and release the Intellectual Property to the Creator(s) in accordance with the following:

1) The Creator(s) agree to maintain the technology at their expense from the point of the assignment forward;

2) The assignment is consistent with any obligations to third parties, including but not limited to unreimbursed fees, any legal obligations, or any approvals from sponsors necessary prior to release; and

3) The assignment to the Creator(s) does not involve a conflict of interest.

4) In the case of Federal agency sponsorship, any release must be made to the Federal Government, following which the Creator(s) may directly petition the federal agency for a release of the rights to himself or herself. Decisions by the Federal sponsors to permit individual Creator(s) to acquire ownership are generally made on a case-by-case basis with the Federal Government retaining for itself certain rights as provided for in federal patent laws.

ii. In the case that unreimbursed fees of third parties or unreimbursed fees incurred by the College, or its designated commercialization agent(s), exist, the Intellectual Property may be licensed to the Creator(s) until all fees are repaid. At which time the Creator(s) may be assigned the Intellectual Property pursuant to section (a) above.
iii. In exchange for such assignment, the Creator(s) shall grant the College a perpetual, irrevocable, fee and royalty free license to use such intellectual property for research, academic and other scholarly purposes of the College.

Infringements.

Faculty, staff, and students should notify the College Office of Technology Transfer of any potential infringement of protected College intellectual property.

The Office of the President and College legal counsel.

Applicable Laws. The provisions of this Policy are subject to any applicable laws and regulations. Grants or contracts between external sponsors and the College under which intellectual property is produced may contain specific provisions with respect to disposition of rights to such property that may differ from those contained in this policy. Under the terms of certain contracts and agreements between the College and various agencies of government, private and public corporations, and private interests, the College may be required to license patent rights to the contracting party. Miles retains the right to enter into such agreements whenever such action is considered to be both in its best interest and in the public interest.


Date Entity Action

Adopted