

EMPLOYEE HANDBOOK

2016-2017

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CHAPTER 1

INTRODUCTION

1.00 INTRODUCTION

The mission of a community college is to make higher education and vocational-technical training available to all persons who are qualified to pursue the courses of study offered. The San Juan College mission as adopted contains a statement of the College's overall function and purpose as a comprehensive community college.

San Juan College Board Policy #200

1.01 SAN JUAN COLLEGE MISSION

The mission of San Juan College is to inspire and support life-long learning to achieve personal and community goals by providing quality education, services, and cultural enrichment.

San Juan College Board Policy #200

1.02 SAN JUAN COLLEGE VISION

San Juan College will be an innovative, dynamic learning college built on mutual respect, meaningful participation, and a collective commitment to students, the community, and the core values of a comprehensive community college.

San Juan College Board Policy #200

1.03 SAN JUAN COLLEGE VALUES

San Juan College is committed to serving the needs of our students and the community through a process of continuous quality improvement. We uphold and affirm the following **core values**:

Innovation – we value . . .

- Thinking creatively
- Examining and improving procedures
- Initiating strategic change
- Sharing new ideas
- Maximizing technology

Collaboration – we value . . .

- Open communication
- Collective wisdom
- Inclusive decision-making
- Relationship building
- Partnering to create new opportunities

Accountability – we value . . .

- Sound fiscal stewardship
- Responsibility and commitment
- Assessment that leads to improvement
- Clarity of expectations
- Evidence-based decision making

Respect – we value . . .

- Student-centered learning
- Diverse peoples, perspectives, cultures, and life circumstances
- Environmental sustainability

Excellence – we value . . .

- Meeting and exceeding expectations
- Modeling and developing best practices
- Continuous improvement
- Ongoing professional development

San Juan College Board Policy #200

1.04 BRIEF HISTORY

San Juan College offers a vast amount of information concerning the college's [history](#), location, campus maps, student programs, employment opportunities and general college communication through its website.

CHAPTER 2 ORGANIZATION

2.00 ORGANIZATION

The San Juan College organization is comprised of a governing Board, College President, and the Executive Organization of three major functional areas of the College. The College's internal and external communication structure provides vehicles for information exchange and a collaborative voice to the College Leadership Team on decisions.

2.01 SAN JUAN COLLEGE BOARD

The [San Juan College Board](#) is the governing body of the College. The Board's authority is established by New Mexico state law. The Board is subject to the provisions of the Constitution of the State of New Mexico, applicable rules and regulations of the New Mexico Higher Education Department, State Law, the Federal Constitution, Laws and Regulations and its own policies and procedures.

San Juan College is governed by a seven member board, elected by districts in San Juan County. The duties and responsibilities of the San Juan College Board are outlined and stated in the San Juan College Board Policies.

The Board's primary duty is that of determining the financial and educational policies of the college. The Board has delegated the responsibilities of administering and supervising established college and board policies to the San Juan College President.

San Juan College Board Policy #300

2.02 OFFICE OF THE PRESIDENT

The President of San Juan College is the chief executive officer of the College. He/She is charged in the Community College Act, in the rules and regulations of the New Mexico Higher Education Department, and in the policies of the San Juan College Board with carrying out the policies of the Board and with administering the College efficiently and effectively. The President is directly responsible to the Board for the operation of the College and is expected to provide overall leadership in the achievement of the mission and strategic goals of the College as adopted by the Board.

Upon the President's recommendation, the Board shall employ other administrative personnel, instructional staff, or other personnel as may be needed for the operation, maintenance, and administration of the College. The President is responsible for the establishment of an administrative organization appropriate to the size, complexity, and objectives of the College. Any exceptions to a one-year employment contract require prior Board approval. ([Section 21-13-10 NMSA \(1978\)](#))

San Juan College Board Policy #400

2.03 EXECUTIVE ORGANIZATION

The College's [Executive Organization](#) is organized into three major functional areas, with the President of the College providing general administrative overall leadership to these three service

areas. The President may re-assign projects and responsibilities to these three areas as is needed due to changes in funding, college priorities, staffing changes, and other needs. The three major district service areas of the College consist of the following: Learning Services, Administrative Services, and Student Services.

2.04 VICE PRESIDENT FOR LEARNING

The Vice-President for Learning, under the direction of the President, has the primary responsibility and authority for the supervision, development, and assessment of all Learning programs, instructional delivery, student academic support, faculty and staff, and related activities. The Vice President serves as the liaison between the President of the College and the faculty and other personnel assigned to Learning programs and activities.

2.05 VICE PRESIDENT FOR ADMINISTRATIVE SERVICES

The Vice-President for Administrative Services, under the direction of the President, has the primary responsibility for administrative services as defined by the President.

2.06 VICE PRESIDENT FOR STUDENT SERVICES

The Vice-President for Student Services, under the direction of the President, has the primary responsibility for student services as defined by the President.

San Juan College Board Policy #401

2.07 ORGANIZATIONAL CHARTS

2.08 DECISION MAKING STRUCTURE

2.09 INTERNAL COMMUNICATION

The President, or designee, is authorized to establish internal communication through associations, councils, work teams, and committees deemed necessary for the organization and administration of the College.

- A. General:** The President, or designee, shall call general faculty and/or staff meetings or special group meetings as needed, and specify the time and place of such meetings. Further, the President, or designee, may establish standing and ad hoc committees to assist in College projects to include prescribing their function, establishing terms of service of members, and determining committee membership.
- B. College Council:** The College Council is a vehicle for more comprehensive participation in the affairs of the College. This Council provides an organized means for supplying valued input to the College Leadership Team on decisions.
- C. Employee Associations:** Employee associations, as approved by the Board, shall maintain a pro-active, collaborative voice for faculty, professional staff, and support staff. Employee associations shall be represented on the College Council and are advisory to the President.

D. Associated Students: The San Juan College Associated Students organization is the student government body of the College. In addition to coordinating the various functions of the Associated Students, this organization shall serve to hear and refer student grievances to the appropriate source, as well as arrange to have student representatives participate in many of the College's councils and committees, including the College Council.

San Juan College Board Policy #402

2.10 EXTERNAL COMMUNICATION

The President, or designee, shall be the official representative of the College in communicating with all external organizations and agencies. No one else is authorized to officially speak on behalf of the College.

San Juan College Board Policy #403

A. Media Relations

No one shall speak for the college on unresolved issues or actions unless specifically authorized by the President. Internally initiated contacts with representatives of the news media must be channeled through the Public Relations Office. Inquiries from the media normally shall be referred to and coordinated by this office. Procedures have been established by the Public Relations Office governing the release of public information to include printed matter, electronic information, news releases, and commercial advertising.

CHAPTER 3

FACULTY RESPONSIBILITIES AND CONTRACT TERMS

****This Chapter is currently under revision****

1. Faculty Responsibilities:

The primary function of faculty is classroom instruction.

- The academic year will be considered the time frame beginning with Fall semester and extending through Spring and Summer semesters.
- Faculty positions are normally considered to teach 30 credit units between Fall and Spring semesters within the academic year.
- In some limited cases, faculty may be contracted, with the faculty member's input, at 20-29 credit units on a pro-rated salary over the academic year.
- In order to accommodate the needs of students, a faculty member's teaching load may be unequally divided between the terms of an academic year.
- The faculty member may elect to receive compensation for overloads or place the units into the faculty leave bank (reference #19).

If the total teaching load for a faculty member is below contract requirements at the end of Spring term, the Dean may, with the faculty member's input and VP for Learning approval:

- Assign the number of credit units needed to complete their contracted units in the interim or summer term; or
- Assign the faculty member to relieve an adjunct faculty member of a class; or
- In rare occasions, assign a project with measurable outcomes and documented time commitment; or
- Arrange for the faculty member to withdraw credit hours from the leave bank to cover the contract commitment; the faculty member may only use personally accumulated hours; or
- A faculty member may elect to take a reduction in salary.

Professional Duties:

Teaching Responsibilities:

- Teach students in accordance with course outlines and official syllabi.
- Maintain competence in assigned teaching field.
- Engage in professional development activities and keep informed on new approaches to learning.
- Participate in student evaluation of instruction process.

Student Support:

- Participate in student registration.
- Maintain student records (attendance, grades, etc.).
- Actively work towards the retention of students.
- Maintain posted scheduled office hours for consultation with students.

- Develop and revise program curriculum, including:
 - Performance and/or behavioral objectives.
 - Tests and procedures for student evaluation based on the established objectives of the course.
 - Assessment and evaluation of course and curriculum.

College Participation:

- Serve on committees.
- Establish and maintain advisory committees, if appropriate.
- Recommend instructional needs to the Dean.
- Maintain communication with the Dean and other administrators, as appropriate.
- Manage the equipment, supplies and tools in the assigned area.
- Assist in recommending, orienting and supervising adjunct faculty.
- Select textbooks and recommend texts for adoption to the Dean.
- Participate in forming the annual departmental budget and planning objectives.
- Attend school meetings and college meetings as requested.
- Maintain awareness of the student as a learner and a consumer in providing high quality educational programs and services.
- Perform other related duties as assigned by the School Dean.

Knowledge and Abilities:

Knowledge

- Advanced knowledge in their assigned teaching discipline(s).
- Understand and demonstrate the use of adult learning theories and methodologies related to his/her discipline.

Abilities

- To organize an instructional program.
- To establish appropriate goals and objectives.
- To develop an effective student evaluation process.
- To communicate effectively with students, peers and administrators.
- To accept and exercise supervision appropriate to the position.
- To integrate student learning outcomes into the curriculum.

2. Teaching Responsibilities:

- Faculty members are expected to report to work the number of duty days as described in their employment contract. Faculty members are expected to participate in all areas of their assignment, including professional development and in-service activities, and attendance at graduation.
- Faculty members are required to work on their assigned campus site a minimum of thirty (30) hours per week. ‘*On campus*’ consists of actual time spent teaching, committee work, and all other required assignments. The Dean and faculty member will coordinate the means to meet the required number of duty days to meet the contract requirements.
- No faculty member should be asked to have more than four course preparations per term.

- Faculty will maintain a minimum of one (1) office hour per week for every class they are teaching each academic term. This policy will also apply for interim and summer classes. The college may assign up to five hours per week, per academic term, for other college related assignments (i.e. committee work, special project, curriculum review, etc.).
- Office hours are to be identified and posted before each term begins. Office hours are intended to provide regularly scheduled hours during which faculty shall be available to students. It is assumed faculty will also be available outside of posted office hours, as needed, to assist students and participate in college/school activities. Scheduled time blocks should not be less than 30 minutes. Each faculty member's scheduled office hours are to be kept in the Deans office for reference.
- Faculty members may be assigned day and evening classes at any college location as part of their regular teaching load. Assignments at other than the main campus will be made by a cooperative agreement between the School Dean and the Dean of Extended Learning.
- The college will not provide reimbursement of travel for a single teaching assignment unless the class is housed out of San Juan County. If the faculty member has teaching assignments at multiple locations, travel reimbursement would be allowed unless the faculty member is using a college vehicle.

3. Determining Faculty Load:

The standard measurement for one credit is a minimum of 750 minutes. The following ratios of base contact units to term credit units will be used:

Lecture units	1:1
Lab units	.7:1
Nursing, Dental, PTA Clinical Practicum units	Dependent on accreditation requirements.

1 credit hour = 1 performance unit = 30 hours working with students in course activity

Performance units are used to describe workloads associated with theater productions, concert band, musical combos, choir, high school festivals, etc. Since the contact hours for these activities vary greatly, performance units will be based on the number of contact hours needed for rehearsals and performances for each specific project. One performance unit will equal one credit hour when determining faculty workload.

Contact Hours:

If a faculty member's teaching load is calculated using contact units (direct contact with students), there will be no more than 30 units a week. This policy will be revised upon completion of curriculum redesign with contact units being established at 24.

4. Independent Study:

1. Independent study is defined as a one-on-one arranged learning commitment made between a School Dean, a faculty member, and a student to address individual course needs. The student is expected to complete comparable coursework assignments as other students attending regularly offered classes. The appropriate faculty member will be involved in discussion and design of the independent study course.
2. No independent study will be agreed to without prior Dean approval. If the faculty member is approached by a student requesting one of the above arrangements, the faculty member is to request in writing to the Dean the particulars which support the need for the arrangement. If the Dean agrees, the independent study is granted.
3. If the Dean is approached by a student with a request for an independent study course, the Dean will ask for volunteers to take on the course. A faculty member cannot be required to teach an independent study course.
4. Faculty members are limited to providing arranged courses in this category not to exceed a maximum of two courses or two preps per term. All of these arranged classes are considered outside normal teaching assignments.
5. A faculty member will be paid one credit hour per the adjunct rate for an approved independent study course where the student earns 3 credits. The faculty member will be paid for the number of courses approved, not how many students are enrolled in the course. For courses less or more than 3 credits will be prorated from the above rate.
6. If a faculty member is already providing the course and the student merely cannot attend for some reason, the faculty member will not be paid additional compensation. Only a course which requires an additional prep will be considered for compensation.

5. Cooperative/Internship Education Arrangements

Cooperative Education arrangements are normally considered part of a degree/certificate program and are a learning experience which may combine an optional lecture or seminar with an advanced student work experience. An Internship may be either part of a degree/certificate program or not.

- The faculty member and student must follow guidelines as prescribed in the enrollment package
- If the course has sufficient student enrollment (8 or more), it will be considered a course and the faculty member will be compensated appropriately or the course will be considered as part of their load
- Faculty members are limited to providing arranged courses in this category not to exceed a maximum of two courses or two preps per term.
- Faculty members must approve a student's enrollment into a Cooperative Education or Internship course with concurrence of the Dean.
- A Cooperative Education/Internship course should require the students to work a minimum of 45 hours for a 3-credit course; 60 hours for a 4-credit course.
- Faculty members are expected to meet with the student(s) a minimum of three times a semester (beginning, middle and end of semester)

- Faculty members are expected to document the student's contact hours and submit to the Dean's office for recording
- The Cooperative Education/Internship course must have an assessed deliverable at the end (final paper, presentation, etc.)
- Enrollment forms (contracts) are available in the Dean's office. (see attached)
- For less than 7 students, a faculty member will be paid one credit hour per the adjunct rate for an approved course where the student earns 3 credits. The faculty member will be paid for the number of courses approved, not how many students are enrolled in the course. For courses less or more than 3 credits will be prorated from the above rate.

6. Overload Compensation:

There is no expectation that any faculty member will teach a course overload.

The overload rate of pay will be one and a quarter times the adjunct rate for each credit hour.

In order to accommodate the needs of students, a faculty member's teaching load may be unequally divided between the terms of an academic year. The faculty member may elect to receive compensation for overloads the term worked or in the Spring Semester, or place the units into the faculty leave bank.

The sum of all equated teaching units determines the teaching load. The college pays faculty for all units and fractions over 30 credit units in an academic year. Faculty members will not be assigned a workload that exceeds 22 credit hours in Fall or Spring terms or 12 credit hours in the summer session.

The Dean is encouraged to be prudent when assessing the need for overloads.

7. Retiree Compensation:

Retired faculty, who formerly held full-time faculty status, may be hired to teach a maximum of 15 credits between Fall and Spring semesters and no more than 6 credits for summer term. They will be paid at one and a half times the adjunct faculty rate. The retired faculty member is required to provide one office hour per week per class.

8. Stacked Classes:

Stacked classes are defined as when two or more courses are taught concurrently. To determine assigned work load, the courses are counted as a single course and counted as the average number of credit units of all courses.

The Dean, in consultation with the faculty, will determine if courses can be stacked. Stacked courses should have a minimum of 10 students combined in order to be offered.

9. On-Line Instruction:

On-line delivery of instruction is recognized by the college as an important delivery mode. Courses taught through the on-line delivery mode must meet the same course objectives, standards, and learning outcomes as those offered in a traditional setting.

On-line courses are considered for work load assignment exactly the same as traditional lecture courses. Course development will be compensated only if part of a development team and approved by the Dean of Extended Learning.

10. Class Size:

Every effort should be made to maintain a class size conducive to proper learning.

Class size will be determined by course content, available workstations and room size. The number of students in any laboratory section should not exceed the number accommodated by fixed stations in the assigned room.

Normally, a minimum of 10 students is encouraged to be enrolled in a class. The maximum number of students will be determined by the Dean, in consultation with the Vice President for Learning. The Dean and/or the Vice President for Learning have the prerogative to offer a class with less than 10 students under certain circumstances.

11. Sponsorship of Student Activities:

Faculty sponsorship of student clubs and organizations is voluntary and at the faculty member's discretion. All on-site faculty members are encouraged to assume some responsibility in the program of student activities.

12. Team Teaching:

Team teaching is defined as two or more faculty members sharing the instruction of a single course. For the purposes of figuring load for each faculty member, the credit units will be prorated based upon the contribution of each faculty member, to total 100%. There will be a prior agreement between the faculty member and the Dean as the percent of contribution before the course begins.

13. Learning Communities:

Learning Communities are defined as two or more courses combined as a learning experience whereby faculty and classes are combined into a cohort with integrated projects common to each course. For the purposes of figuring load, each faculty member is credited for one course.

Faculty will be compensated for planning and developing curricular links, assignments, course materials, and assessment tools; attending each other's LC class; and meeting regularly during the course of the semester to plan, grade, discuss curricular changes or activities, and monitor student issues.

- The first time a faculty member teaches a Learning Community (LC), he/she will earn \$22.00 an hour for up to 30 hours = \$660.00.

- If a faculty member teaches the same LC but with a different instructor, he/she will be compensated for up to 30 hours because additional planning and coordinating will again be necessary.
- If the same two faculty members teach the same LC in subsequent semesters, they are compensated at \$22.00 an hour for up to 20 hours = \$440.00.
- The faculty members involved in the LC will complete the Time Log for Learning Communities form in order to receive compensation.

14. International Courses:

All proposals for international courses must be approved by the school Dean, VP for Learning, and the college President prior to any arrangement being secured or promotion conducted. The assignment of credit units to an international course, usually taught during the summer term, will be determined by the Dean and approved by the Vice President for Learning.

The course must have an approved syllabus with structured interactions between the faculty member and students. If the course has more than one faculty member, the rules for team teaching will be applied. Students are to be supervised at all times.

An international course must be developed and approved at a minimum of one academic term prior to when the course is offered. All participants must be registered college students. The college will not allow the involvement in international courses or travel for individuals under the age of 18.

Once approved, the college will pay the faculty member of record for the credit hours assigned to the course. If the course is team taught, the college will reimburse the credit hours of the faculty members based on the percentage of the course they will teach. The faculty member(s) will be compensated based on approved credit unit rates and the summer faculty salary formula.

15. Reassigned Time:

Faculty members on continuing contract may be asked to perform non-teaching assignments. Any such activity shall be approved by the Dean and the Vice President for Learning and the terms thereof clearly indicated and agreed upon.

Assignments will be limited to the following duties:

- Serving as Department Chair/Lead Teacher/Coordinator
- Directing projects as assigned by Vice President for Learning or President
- Assessment Committee Chair.
- Curriculum Committee Chair.

Assignments will be equated to no more than three credit units per term and determined by a criteria-based sliding scale. The faculty member may select the units to be considered part of their workload obligations, or bank all or part of the credit hours, or be compensated.

The school Dean who has approved a faculty member for reassigned time is not encouraged to request that faculty member to teach an overload in the same term. However, if in urgent need, the course will be paid under the overload rules.

16. Department Chair/Lead/Coordinator Faculty member Duties:

The Dean may assign, with the faculty member's consensus, the title of Lead Instructor, Chair, or Coordinator and a limited number of administrative duties to a faculty member based on needs within a department. Where required by accreditation standards, the Dean may delegate this responsibility to a Director of a program. These assignments will be limited to faculty on continuing contract status. These duties are above and beyond those listed in the description of faculty duties.

Duties may include:

- Develop course schedules in concert with Dean
- Selecting adjunct instructors
- Mentoring and evaluating adjunct instructors
- Coordinating curriculum policy
- Coordinating assessment procedures
- Assisting in developing department budget
- Managing equipment expenditures and inventory
- Handling minor student issues
- Servicing as liaison between Dean and other faculty
- Coordinating advisory committees
- Managing program accreditation
- Working with regulatory agencies

Time assigned for these duties will not exceed 3 credit units per term. The number of credit hours assigned will be determined by a criteria-based sliding scale completed by the appropriate Dean or Director.

1. A faculty member may withdraw banked hours and be compensated at the current overload rate at any time.
2. A faculty member may withdraw banked hours in order to complete a semester's contractual obligation.
3. A faculty member may withdraw banked hours to reduce their semester's teaching load in order to actively pursue an advanced degree in amounts less than 15 credit hours. Proof of enrollment is required prior to approval.

17. Articulated Courses

The college has a history of offering articulated classes to high school students as provided in articulation agreements between the college and the local high schools. These agreements allow a high school student to earn college credit for completing a high school class with additional

requirements supervised by a college teacher. It is the responsibility of the Vice President for Learning to maintain active and current articulation agreements with the local school districts.

The Dean may delegate to a faculty member the responsibility of formalizing the course agreement with a high school teacher and related students. However, the Dean will agree to the course parameters prior to the agreement being signed. There is no expectation that any faculty member will teach an articulated course.

In order for a course to be eligible for articulation, the faculty member must ensure the following tasks and responsibilities are completed:

- A course syllabus and expectations
- Course textbook selected
- Assessment instruments and processes developed
- Grade requirements defined
- Timeline defined, including date of exams and other calendar information
- Special needs identified, i.e. adequacy of high school facility, lab requirements, special equipment, software
- On-site inspection of instructional resources as needed
- A written agreement between the college faculty member and the high school teacher for the course describing the above items and responsibilities of each instructor.
- The college faculty member will track the agreement through completion. The completed agreement is to be filed with the School Dean and the Director of Admissions and Records.
- The college faculty member will perform periodic assessment of the course throughout the year with the high school instructor.
- The college faculty member will receive and evaluate the student's work (for example: portfolios, final exams, lab reports, projects).
- The college faculty member will communicate with the high school teacher regarding the student's final grade for college course credit and will submit the final grade to the Director of Admissions and Records.

A faculty member will be compensation \$250 per high school, per course, per year for performing the coordination duties listed above. The faculty member will be compensated \$16.50 for each student that completes the course requirements.

18. Contracts

1. Notification of the college's intentions regarding renewal or non-renewal of faculty contracts shall be given by March 1 of each year. Terms of renewal of contracts will be offered as soon as the legislature, governor, and the College Board have approved the following fiscal year budget appropriations.
2. Once faculty contracts are distributed for the upcoming fiscal year, faculty will have a minimum of one week to sign the contracts and return them to the Human Resources Office.

3. If the faculty member fails to return the college's letter of employment renewal within the prescribed date of return, it will be deemed as a resignation and the position vacant.
4. The president, upon exceptional circumstances, may extend the time permitted for a faculty member to return a signed contract.
5. Once a faculty contract is signed and submitted, any attempt to recall the contract shall be considered a resignation.
6. Beginning with the fourth year, the contract of a faculty member will be continued from year to year unless the college terminates the contract for cause after or because of a college reduction in force.
7. In cases of non-renewal of a faculty member on 'continuing contract' status, it is the responsibility of the appropriate school dean and the Vice President for Learning to provide evidence of cause for the non-renewal. This non-renewal of contract includes a right to a hearing. Written notification of non-renewal must be provided the faculty member in question. Prior to notification of non-renewal, a continuing contract faculty member is to be provided with a written statement of his or her deficiency and given an opportunity to improve. The statement of deficiency is to be provided to the faculty member in a conference setting and will include the following:
 - a. The statement of deficiency.
 - b. The period of time to take corrective steps.
 - c. A plan of action called "Growth Plan to Bring about Desired Improvement". The Growth Plan will establish specific activities to be pursued by the faculty member who has been given the statement of deficiency.
 - d. The date for the follow-up conference.
8. If, at the end of the period provided for in the Growth Plan, the faculty member has not demonstrated significant improvement, the individual will be notified of the date of contract termination. Written notification of such non-renewal must be provided to the faculty member. This non-renewal includes the right to a hearing. The date of contract termination shall not be sooner than the conclusion of the hearing process. (Reference Chapter 11 Employee Relations)

CHAPTER 4 EMPLOYMENT

4.00 GENERAL STATEMENT

San Juan College shall comply with existing federal and state laws and regulations in all its personnel actions.

4.01 INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

- A. Applicants, candidates, and employees.
- B. San Juan College may require a criminal background check be conducted for volunteer and community service workers.

4.02 EXCLUSIONS

- A. Volunteers are not considered employees.
- B. Conditional and Temporary employees are considered at-will.

4.03 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the College to provide for equal opportunity in recruitment, employment, compensation, benefits, transfers, layoffs, returns, institutionally sponsored education, training, tuition assistance, social and recreational programs, staff development opportunities and advancement, and all other personnel practices without regard to race, color, religion, sex, national origin, physical and mental disability, age, genetics, sexual orientation, gender identity, or veteran's status.

San Juan College Board Policy #500

4.04 AMERICANS WITH DISABILITIES

The College complies with overlapping federal requirements that extend civil-rights protection to persons with disabilities and prohibit employment discrimination on the basis of disability. [The Americans with Disabilities Act of 1990](#), as amended, protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral, and other aspects of employment on the basis of disability. [The Rehabilitation Act of 1973](#) Section 503, as amended, requires affirmative action to employ, and advance in employment, qualified persons with disabilities who, with reasonable accommodation, can perform the essential functions of a job. It also bars employment discrimination in any program or activity which receives federal financial assistance.

4.05 ACCOMMODATIONS REQUEST

San Juan College will endeavor to make reasonable accommodations for qualified individuals with known or considered disabilities unless doing so would result in an undue hardship.

4.06 QUALITY OF PERSONNEL

The quality of any educational institution's program is dependent on the skills, commitment, and enthusiasm of its employees. The College seeks to employ only the most outstanding personnel available. In return, the College expects all of its employees to accept and support the institution's mission and strategic goals. All employees are expected to be aware of and adhere to the policies, procedures, and programs of the College; to devote their professional services and individual skills to the realization of the institution's objectives; and to discharge their duties in such a manner as to reflect credit upon the College.

San Juan College Board Policy #500

4.07 QUALIFICATIONS

No individual shall be eligible for employment by the College for any temporary or regular position for which the individual is not qualified by criteria of uniformly applied standards, nor shall an individual be eligible who does not otherwise meet the job requirements of the position as prescribed by these policies or other administrative provision.

San Juan College Board Policy #500

Only individuals 18 years of age will be considered for positions with the College. Any exception to this policy must be approved by the appropriate Vice-President and President, and meet the restrictions outlined in the [New Mexico Child Labor Laws](#).

4.08 EMPLOYMENT OF FAMILY MEMBERS

Two or more members of the same immediate family may not be employed by the College in a supervisory/subordinate relationship or below the same lines of authority.

San Juan College Board Policy #500

4.09 HIRING

Human Resources will accept applications for specific open positions and anticipated future openings. All applications are kept on file electronically for one year. Applicants must submit a specific application electronically for each position of interest.

A. Position Vacancy Announcements

Positions that are open to external applicants are advertised on the San Juan College website and other targeted venues to create a qualified applicant pool. Human Resources has final approval of the position vacancy announcement and selection of advertising.

The College reserves the right to advertise and conduct a search internally prior to and/or concurrently with any external search. An internal search does not create an obligation to hire from the internal pool of applicants. To be eligible to apply for an internal job posting, regular employees must have performed competently for at least six (6) months.

Complete applications must be submitted by 11:59 p.m. of the advertised closing date of the job announcement to be considered as part of the applicant pool.

Only applicants that meet citizenship requirements or are eligible to work in the United States are referred for review by the hiring manager.

4.10 EQUAL EMPLOYMENT OPPORTUNITY (EEO) DATA

Applicant submission of EEO information (ethnic background) is voluntary. When submitted, such information is collected and filed separately from the application. EEO information is not used in making employment decisions.

4.11 DOCUMENTATION REQUIRED FOR HIRE

A. Release Authorization, Background and Reference Checks

Before hire and as part of the application process, candidates must complete and sign a [Release of Information Authorization form](#). This form allows the College to inquire into, procure and collect information regarding a candidate's criminal background and work history, quality of work, work habits, character, general reputation or interpersonal skills. It may be compiled with information from courts record repositories, departments of motor vehicles, past or present employers and educational institutions, governmental occupational licensing or registration entities, business or personal references, and any other sources required to verify the information.

San Juan College reserves the right to update the criminal background investigation of current employees every three years, if an employee changes positions, or when the College is made aware of potentially concerning information regarding an employee.

Candidates for employment and employees will be given the opportunity to review, explain and contest any negative information received as a result of such inquiries.

San Juan College Board Policy #500

B. Reference Check

The College reserves the right to conduct reference checks on any candidate for employment.

San Juan College Board Policy #500

C. Social Security Card

Applicants must possess a valid social security number in order to be employed. The College will not employ any person who refuses to comply with Social Security regulations. Verification of a social security number may be requested at any time by Human Resources.

D. Proof of Employment Eligibility (I-9)

[The Immigration Reform Act of 1986](#) requires employers to verify the identity and authorization to work in the United States on every individual hired after November 6, 1986. All persons conditionally hired by San Juan College must provide the required information within four days of hire. The first page of the I-9 form must be completed on the employee's first day of work. If documentation is not provided within four (4) days of hire, the individual's conditional employment will be suspended. After conditional employment has been suspended, valid documentation must be provided

within five business days or the conditional employment will be terminated. The College only employs individuals who have been approved to work in the United States and can present the appropriate documentation.

San Juan College Board Policy #502

4.12 PROBATIONARY PERIOD FOR ALL NEW HIRED REGULAR EMPLOYEES

The probationary period is an essential part of the evaluation process to determine adequate performance standards and is used as an adjustment/training period for new employees. During the probationary period, an employee does not have any expectation of continued employment. An employee may be dismissed at any time during the probationary period without a showing of cause and with no rights of appeal.

Probationary periods

- | | |
|------------------------------------|-------------------------------|
| • Support staff | First 12 months of employment |
| • Executive and professional staff | First 12 months of employment |
| • Faculty | First 3 years of employment |

Upon completion of the probationary period, an employee will become a regular status employee.

The probationary period for support and professional staff may be extended for up to six months with the approval of the appropriate executive and Director of Human Resources. Requests for extensions must be supported by a performance evaluation and documentation supporting areas of improvement needed. The College president reserves the right to review and approve all probationary period changes in employment status.

4.13 EXCLUSION

Conditional and temporary employees are hired on a short-term or limited basis and are not subject to the provisions of this policy.

San Juan College Board Policy #501

4.14 EMPLOYMENT CONTRACTS

It is San Juan College policy to use annual employment contracts for all employees whose term generally will be concurrent with the fiscal year. All College employees shall go through an initial probationary period preceding the first contract.

San Juan College Board Policy #501

4.15 VOLUNTEERS AND COMMUNITY SERVICE WORKERS

Individuals wanting to volunteer their services to a particular department or requesting that they perform their court ordered community service hours at the College are not employees of the College and are not covered by the College's liability insurance or by Workers' Compensation Insurance.

The College will only consider requests from individuals 18 years of age or older for volunteer service or court ordered community service work. Any exception to this policy must be approved by the appropriate Vice-President and President, and meet the restrictions outlined in the New

Mexico Child Labor Laws. Placement of volunteers in areas which require operation of heavy equipment will not be approved.

Volunteer and Community Service Workers are coordinated through two separate departments:

- A. Volunteers must be coordinated with the Volunteer Center.
- B. Community Service Workers must be coordinated with the Human Resources Office to ensure that the following criteria have been met.
 - 1. Requests by individuals to work off court ordered community service sentences must have approval of the Director of Human Resources and the appropriate executive. No individual who has been convicted of a crime involving violence, theft, embezzlement, sexual misconduct, or crimes against children will be allowed to work at the College through any community service program. Contact and verification with the individual's probation officer prior to any activity on campus is required on all such requests.

All Volunteers and Community service workers are subject to a criminal background investigation process when placed in the following background sensitive positions:

- A. To meet the legal protection of minors, all employees who are assigned and responsible for instructing, working consistently or occasionally with or supervising minors – individuals under 18 years of age including but not limited to regular and adjunct faculty, academic counselors, grant program staff, CLC Kids Kollege instructors and staff, CFDC Lead Teachers and staff, etc.
- B. To ensure the integrity of campus security, all volunteers who are assigned and responsible for campus facility maintenance and have access to building keys (i.e., Security Guards, Custodial Supervisors, Custodial Workers, Maintenance Workers, etc.).
- C. To comply with sound financial practices, all volunteers who are assigned and responsible for receiving, handling, or accounting for currency over \$500 annually and producing College checks (i.e., Accounting Technicians, Accountants, Bookstore Cashiers, etc.).
- D. To maintain, change or manipulate sensitive information through the College's computer system (i.e., all HR and OTS volunteers, etc.).

CHAPTER 5 COMPENSATION

5.00 GENERAL STATEMENT

This compensation plan explains the methods of setting individual base salaries, placement on the salary scale, and supplemental compensation actions. The salary plan does not guarantee salary adjustments on an annual basis, as salary increases are contingent upon funding available for the coming fiscal year.

5.01 INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

Regular full and part-time employees placed in budgeted positions.

5.02 EXCLUSIONS

- A.** Temporary, student, and contract service employees, unless stated otherwise in the employees' contracts.
- B.** Grant funded positions may have restrictions based on college policy and availability of resources under the grant.
- C.** There are faculty specific sections of this policy that are not applicable to staff.

5.03 COMPENSATION PHILOSOPHY

San Juan College is committed to being fair and competitive in employee total compensation.

- A.** The College fosters an environment that embraces the values of innovation, collaboration, accountability, respect and excellence.
- B.** The College desires to attract, retain, and motivate employees through a total compensation system that is competitive externally and equitable internally.
- C.** The College's policies and procedures try to promote fairness, recognition of achievement, and accountability of all employees through its total compensation model, which will ultimately contribute to the overall success of students and the College.
- D.** The College's policies and procedures strive to be equitable when recognizing the relative value of each function and individual performance.

5.04 PURPOSE

The College maintains a classification and compensation system which will consist of classification specifications with designated pay ranges and pay rates.

5.05 PROCEDURE

The President, or designee, with the assistance of the Director of Human Resources, shall establish procedures to ensure positions are systematically classified and compensation is internally

equitable and externally competitive within the financial capability of the College. All positions at the college are assigned to a Band with a salary range indicating a minimum and maximum salary. The salary ranges are reviewed and adjusted as appropriate to reflect target markets identified by the college. Once a new employee's salary is determined and placed in a grade or the current employee's salary is calculated using the assigned grade, future adjustments or increases in salary outside of the established band are solely determined by action of the SJC Board of Trustees. Exceptions exist for faculty and faculty administrative positions due to changes in rank and degree advancement, as well as the re-classification of employees into a different grade.

5.06 CLASSIFICATION PLAN

The system used to classify the jobs is a Factor Evaluation System (FES). FES is a point-factor-comparison evaluation system that uses ten factors for the evaluation of jobs. Knowledge required by the position, supervisory controls, guidelines, complexity, scope and effect, personal contacts, purpose of contacts, physical demands, work environment and supervisory responsibility. Each factor has several levels, and each level is assigned a specified number of points. The combined score on all the factors determines the total number of points for each position and its assignment to a grade in the classification plan. The assigned grade levels reflect a combination of data generated by FES, salary surveys, and a review of organizational relationships within the College.

5.07 COMPENSATION PLAN

The compensation plan developed for the College is based on an internal value system reflected in the classification plan and on a salary survey of comparable organizations locally, statewide, and nationally to help assure an externally equitable and competitive pay system.

The pay plan consists of twenty-seven grades. The [All Employees Pay Table](#) displays two salary scales. Page 1 displays the salary scales for professional and support staff. The salary range for each grade is approximately fifty percent. Page 2 displays the Faculty salary scale for teaching faculty and Faculty Administrative. The range for each rank is approximately seventy percent. When faculty progress in rank through the College's [rank and promotion guidelines](#), additional compensation will be awarded the beginning of a fiscal year. In order to keep the salary tables current, an annual market adjustment may be considered based on available funds. This adjustment will be applied as an increase to the salary schedule and as a general percentage salary increase for all employees when market conditions dictate. When market conditions dictate as well as the current financial condition of the college, the [Employment Cost Index](#) for public employers may be utilized to determine the increase. The SJC Board of Trustees shall approve overall changes in compensation for college employees. The Board shall also approve the guidelines for placement on the compensation schedules.

San Juan College Board Policy #504

5.08 COMPENSATION GUIDELINES

A. Salary Placement

Classification of new or vacant positions will be approved through the budget process and funded on a fiscal year basis. Once a new or replacement position is requested, the supervisor may be asked to complete a Position Description Questionnaire (PDQ) or update an existing position description (PD) in conjunction with Human Resources to classify the position.

A PDQ review of a new or replacement position classification is typically conducted by HR if:

1. No other position with the same classification exists.
2. Primary duties and responsibilities of the role substantially or materially differ from those of the former incumbent to the extent that the position may no longer be classified correctly.

Typically, all regular employees will be placed at the minimum salary of the grade assigned. Regular part-time employees' salaries will be pro-rated to reflect employment status (example: half-time).

All full-time faculty are initially placed on the salary schedule based on their education and experience.

No employee will be placed in a salary lower than the minimum salary for the assigned grade.

B. Promotions

Current employees who are selected for a position that is at a higher grade and salary than their current position, are placed and paid at the minimum of the higher grade. If employees are currently paid more than the minimum salary at the higher grade, employees will retain their current salary, but will be paid no more than the maximum salary approved for the new grade.

C. Transfers

A transfer is a personnel action in which an employee maintains the same workload and status but is transferred to a different position at the same or lower classification and salary grade. Employees may apply for announced vacancies as a means of transferring from one position to another.

1. Lower Grade - Employees applying for and receiving a job with a lower grade and salary and/or voluntary transfer to a position with a lower grade and salary will be placed in the new salary range.
2. Lateral Move - Employees applying for and receiving a job with the same grade and salary as their current position will retain their current salary and appropriate benefits. This provision may not apply to employees occupying grant-funded positions who then accept a regular position funded by the College.

D. Reassignments and Reorganizations

The President or his or her designee, in consultation with the Senior Director of Human Resources, shall determine the course(s) of action necessary to ensure the best utilization of College employees. Circumstances may require or make it more advantageous to reassign employees to a different position at the College. The reassignment or

reorganization will typically be made at the beginning of a fiscal year, but may occur at other times if necessary. The impact on the individual employee and other employees will be considered.

1. Typically, reassignments are determined by the CLT in consultation with the affected departments and schools.
2. Reassignments or Reorganizations may be effectuated to:
 - a. Meet temporary or continuing changes in employee workload or changing conditions within the Institution;
 - b. Move an employee to a more desirable assignment;
 - c. Provide the employee with an opportunity to grow by having different work assignments, different public contacts, or a different environment;
 - d. Human Resources will be notified of pending reassignments, including effective date and anticipated duration.

E. Band Realignment

Salary schedules and bands may be realigned at the beginning of a fiscal year based upon current market trends and upon board approval. Employees whose pay band is realigned to a higher band receive an adjustment or placement at the minimum salary of the new band, whichever is greater. In the event an employee's current salary exceeds the maximum of the new band, there will be no increase in pay.

F. Salary Adjustments

Salary adjustments typically affect all employees and are dependent upon the availability of reoccurring funding and approval from the Board of Trustees. Salary adjustments are typically approved by the Board once a year and are effective the beginning of the fiscal year. Employees with a hire date of March 1 and after will not be eligible for a salary adjustment at the beginning of the next fiscal year, (July 1 of that same calendar year.) In the event an employee's current salary exceeds the maximum of their band, the employee will not receive an increase affecting all other employees. Adjustments will not be retroactive or back dated.

G. Shift Differential Pay

Shift differential is paid to an employee whose shift assignment causes the majority of hours worked to fall after 7:00 pm. The shift differential is \$0.50 per hour. Shift differential is paid on regular time and overtime hours. An employee working day shift hours will not receive shift differential pay.

H. Special Events/Contingencies

Employees shall be paid straight time for hours worked for special events including Luminarias, July 4, Graduation and contingencies including inclement weather, school delays or closures, emergencies, loss of electricity, a fire on campus or other events or situations requiring staff to report as determined by management.

I. Faculty Salary Plans

Faculty salaries are based on the salary schedule adopted by the Board of Trustees and published annually by Human Resources. Faculty salaries are calculated utilizing a faculty pay plan based on their education and experience and market conditions. Once the salary is calculated the position is placed on the faculty salary schedule according to rank: 1) Instructor, 2) Assistant Professor, 3) Associate Professor, and 4) Professor. Some faculty serve in dual roles: teaching plus coordinator or administrator. As long as teaching load is 60% or more they will retain faculty status. The pay of these faculty members is based on the [All Employees Pay Table](#) under the faculty section.

1. New faculty salaries will be calculated commensurate with education and experience and market conditions.
2. Faculty that acquired an advanced degree after date of hire will arrange for official transcripts verifying degree completion to Human Resources. Faculty eligible will receive the salary adjustment at the beginning of the next fiscal year. In the event the current salary exceeds the maximum for the band, there will be no increase in pay.
3. Salaries of Administrators or other non-teaching employees who apply for and receive a faculty position will be calculated commensurate with education and teaching experience and market conditions.

5.09 WORK WEEK, HOURS WORKED AND OVERTIME PROCEDURE

A. Fair Labor Standards Act ([FLSA](#))

Non-exempt employees are classified as non-exempt in accordance with the specified salary threshold and duties set forth in the FLSA. Non-exempt employees are required to accurately reflect their hours worked on a timesheet submitted to Human Resources. Supervisors of non-exempt employees are responsible to ensure that non-exempt employees under their supervision submit a timesheet to Human Resources by the specified payroll deadline. Non-exempt employees are entitled to receive overtime in accordance with the FLSA.

Change in Exempt and Non-Exempt Status

Employing departments must contact Human Resources if any employees in an exempt classification receive a reduction in appointment percentage or a change in duties for a determination of whether there should be a change to non-exempt status.

B. Standard Work Week

For purposes of computing overtime hours, the College standard work week begins on Sunday, 12:00 am, through Saturday, 11:59 pm. Supervisors must file any alterations to this week with Human Resources for approval.

1. General Provisions

Generally, workloads and work schedules for non-exempt employees are arranged so that duties can be accomplished in a normal 40 hour work week. In cases of emergency or in unique situations, overtime may be worked with prior approval of the appropriate supervisor. Employees are expected to work overtime when requested.

2. Department's Responsibility for Overtime.

After a standard work week has been worked by a non-exempt employee who is employed on a salaried basis in more than one department, the overtime will be charged to the department for hours worked taking into consideration the Full-time equivalent (FTE) salary arrangements.

For Example: If an employee who is 50% FTE in Department A and 50% in Department B, actually works 20 hours in A and 25 hours in B – Department B pays the 5 hours at the time and one half the regular rate of pay.

When more than one department employs a non-exempt employee on an hourly basis, overtime will be paid by the department in which overtime is worked.

For employment on both a salaried and an hourly basis by more than one department, the department(s) employing on a salaried basis will only be charged overtime when the hours worked for that department exceeds the standard work week. If the total hours worked in the departments exceed the standard work week because of work in the department(s) paying on an hourly basis, the overtime will be charged to that department.

3. Supervisor's Responsibility

a. Supervisors are urged to limit an employee's work week to 40 hours. If a supervisor anticipates that an employee will go into overtime, a supervisor may request that an employee modify and reduce their typical work day to ensure the employee's work week does not exceed 40 hours. Hours that are "flexed" must occur in the same work week, as defined by this section.

b. A supervisor must approve in advance requests to work overtime.

c. If a supervisor is going to be off-campus during the timeframe in which timesheets are due, in order to ensure timely submission of timesheets, the supervisor shall designate an individual with signatory authority in their absence.

4. Employee's Responsibility

All non-exempt employees are required to keep a [timesheet](#) that accurately records hours worked and leave taken. The timesheet is to be submitted to the Human Resources Office after the immediate supervisor or the supervisor's designee has approved, in accordance with the payroll deadlines. A supplemental form must be submitted to pay non-exempt employees for overtime hours.

5. **Grant and Contract Paid Wages**

All proposed grant and contract paid employee wages and salaries shall be consistent with college compensation policy regardless of the source of the funding. All College employees writing grant proposals shall use official salary scales to determine personnel costs for all grants. Grant writers shall submit a list of the costs to the Director of Human Resources for approval before submitting the grant for approval to the appropriate Vice-President.

- a. All proposals for release time for College employees shall receive prior approval from the appropriate Vice-President before proposals are submitted to funding agencies. A release form must be completed and a copy submitted to HR for the personnel file.
- b. If the grant language references a wage rate, which is higher or lower than the established salary pay plan or guidelines, the employee will be paid the appropriate rate based on the College policy – not based on what is written in the grant (unless the College pay rate would cause a loss of the grant).
- c. Employees working within grant funded programs and other restricted funds, will receive the institutionally approved increase unless there is insufficient funding within their perspective grant. In that case, these employees should receive equivalent salary increases as soon as funding is available from the respective source(s) without detriment to the grant requirements. Any increase awarded is effective at the beginning of a pay period and will not be administered retroactively.
- d. **Grant programs** will be responsible for funding compensation increases for their employees. The program director must review the annual budget with the appropriate divisional Vice-President prior to the beginning of each fiscal or grant fiscal year to determine if there is sufficient funding.
- e. **Approval to Request Grant funds**
Only the President and Vice President for Administrative Services are permitted to approve grant applications if new College resources must be committed at any time to complete the grant's scope of work/service. If no new College resources are required, the President may delegate to a designated representative.

5.10 PAYROLL

All temporary and regular employees are currently paid twice a month (on the 15th and last day of the month) either by pay check or direct deposit to an authorized financial institution account.

A. Final Payment

The College will issue final pay within five (5) days of an involuntary termination date. For resignations, the College will issue final pay on the next scheduled pay date from date of resignation.

5.11 SUPPLEMENTAL COMPENSATION FOR TEMPORARY EXPANDED DUTIES

These guidelines address the process required to recommend a stipend up to seven percent (7%) of the employees' current salary or adjustment to the minimum salary range of the newly assigned position for full-time administrators and/or exempt employees who through necessity are directed to take on duties that are above and beyond their current job description.

For example: A Coordinator may take on additional duties of a Director position during the period of time the department conducts a search to fill the vacant Director position. This process is designed to provide flexibility to the department in maintaining critical function areas while not significantly impacting personnel or having to temporarily fill an interim role position.

A. Procedure

To institute the stipend, the employee's supervisor will consult with the Director of Human Resources and appropriate Vice-President outlining the scope of the need, the projected time frame of the additional duties, and will clearly define the duties noting how they will significantly expand the employee's current role.

All requests for supplemental employment must be approved by the appropriate Vice-President. Special circumstances will be considered on a case by case basis and must be approved by the appropriate vice president and the President.

San Juan College Board Policy 501

B. Guidelines:

To qualify for a stipend, the nature of the temporary expanded duties must:

1. Clearly state the need for the stipend in the department (i.e., performing duties during a brief time period due to an employment search).
2. Clearly identify beginning and ending dates of the assignment, not exceeding June 30 of each year.
3. A minimum of 30 calendar days and not exceed a one-year period in length.
4. Be of a nature that adds significant additional responsibilities and time to the employee's normal and usual workload.

The stipend will be discontinued when the need for the temporary expanded duty ends. The supervisor is responsible for notifying the Human Resources Office in a reasonable amount of time before the end date of the stipend if different than originally agreed upon.

The stipend is not counted toward the incumbent's base salary but is subject to normal and customary payroll deductions. If it is determined the temporary expanded duties are to be encompassed in the employee's normal job duties and responsibilities, the department will proceed with normal processing for a reclassification of the position. Reclassification will be contingent upon the employee's meeting all minimum requirements as determined through the addition of the expanded duties.

Employees receiving release time or compensation for the additional duties being performed (teaching, substitute pay, etc.) are not eligible for the temporary expanded duties stipend.

5.12 ACTING AND INTERIM ASSIGNMENTS

Occasionally, it may be necessary for an employee to perform work in a higher position than his/her existing position, or to significantly increase his/her overall workload responsibilities in order to meet a department's operational needs.

A. Acting Appointment Adjustments

An employee appointed to short term acting appointment of no longer than 30 days will not receive an adjustment. Any acting appointment which exceeds 30 days will be transferred to an Interim Appointment and a temporary salary adjustment will be made back to the first day of service.

B. Interim Appointment Adjustments

Where an interim appointment is made with full responsibilities, a temporary salary adjustment will be arranged with approval of the appropriate Vice President and the Human Resources Office prior to the beginning of the appointment.

5.13 EXCEPTIONS

Any wage or salary action not outlined in this policy, procedure, and protocol, or distributed in the annual salary guidelines, or falling outside the intent of this policy, procedure, and protocol will be considered a policy and/or procedure exception. Exceptions are rare and must receive prior approval by both the appropriate Vice President and Director of Human Resources.

5.14 INDEPENDENT CONTRACTORS

San Juan College employees cannot be considered independent contractors while employed at the College. New Mexico State Law pertaining to the "Conflict of Interest Rule" states that "no employee can provide services to San Juan College as an independent contractor." Therefore, no Technical and Professional (T&P) contracts shall be issued or approved for college employees.

CHAPTER 6

LEAVE and HOLIDAYS

6.00 GENERAL STATEMENT

San Juan College has established leave programs that provide employees paid time off for their accrued annual and sick leave, paid or unpaid leave in accordance with the [Family Medical Leave Act](#) (FMLA), and other leave programs to include Sick Leave Bank, Military, Reservist Called to Duty, Jury and Court Duty, Bereavement, Domestic Violence, Leave Without Pay (LWOP), Administrative Leave, and recognition of Holidays. Sabbatical leave may be provided for faculty, if approved through formal process.

6.01 INDIVIDUALS ELIGIBLE TO RECEIVE ANNUAL LEAVE:

- Regular full-time Professional and Support Staff who work 30 or more hours per week.
- Twelve (12) month Faculty and Faculty Administrative Employees who work 30 or more hours per week.

6.02 EXCLUSIONS

- A. Temporary employees, adjuncts, contract providers, and student workers do not accrue annual or sick leave, and they are not eligible for any other paid leave and holidays listed in this section, unless stated otherwise in the employee's contracts.
- B. Regular full and part-time faculty are not eligible for the annual leave benefit unless otherwise specified in this section.
- C. Regular full and part-time staff are not eligible for the sabbatical leave benefit.
- D. Positions funded by grants have restrictions on leave accruals and payments according to College policy and availability of resources under the grant.
- E. San Juan College will not approve any requests to "take leave back" or credit available leave back to the employee as a result of the employee's personal choice to engage in checking on college emails, responding to emails and otherwise take part in minimal level of activities while on leave.

6.03 RESPONSIBILITIES

Requests for leave are granted by the immediate supervisor or appropriate executive, and the employee with primary consideration given to the requirements of the department and the position. The appropriate supervisor/executive may establish periods during which no annual leave may be taken.

6.04 ANNUAL LEAVE

To accrue annual leave each pay period, eligible employees must work or be on approved paid annual or sick leave at least sixteen (16) work days out of the month. If allowed to accrue annual leave, grant-funded positions must follow College annual leave accrual and payment policies and protocols.

Employees accrue annual leave at the following rates:

<u>Years of Service/Employment Category</u>	<u>Work Days/Year</u>	<u>Hours/Month</u>
Less than 3 years/Non-exempt	13	8.68
Three (3) or more years /Non-exempt	22	14.68
Exempt	22	14.68

Leave accrual is pro-rated for full-time employees working between thirty (30) and forty (40) hours per week.

Unused annual leave balances may not exceed 240 hours. Employees may view their leave balances via [WebAdvisor](#).

A. Requests

Requests for annual leave are submitted via WebAdvisor and require supervisor approvals. Requests should be initiated at least one week prior to ensure compliance and approval processing. Annual leave should be requested in no less than 1/4-hour increments. Requests for advancement of un-earned annual leave shall not be approved.

Supervisors may establish periods during which annual leave is not allowed; generally to allow departmental functions to continue without interruption. It is recommended that no more than ten days of annual leave be approved at any one time. Exceptions can be made with supervisor approval.

While annual leave is regularly approved, the College reserves the right to approve or deny annual leave requests in accordance with College and departmental needs. It is recognized that in certain emergency situations, employees may not be able to request leave in advance and supervisors should give such requests fair and reasonable consideration.

If employees do not have enough paid annual leave or take unapproved leave, the time is considered leave without pay with supervisor approval.

B. Notification of Annual Leave Accrual

On July 1, the beginning of the fiscal year, any accrued leave in excess of 240 hours will be forfeited, and the employee's leave balance will reset to 240 hours. Employees are responsible for ensuring they use excess leave prior to July 1, and may view their leave balance at any time using the WebAdvisor system.

C. Payment For Unused Annual Leave

Upon separation from employment, (including retirement or transfer to an ineligible position) payment for unused annual leave is limited to 240 hours (30 days). Payment is based upon salaries at the time of separation and is paid, in full on the employees' last pay periods. Employees who do not provide sufficient written notice of separation

in accordance with Section 10.05, (Resignations) are not eligible to receive payment for unused annual leave.

In the case of death, the maximum payment for unused leave is 416 hours (52 days). Payment is made in full to the employee or their beneficiaries, on the first regular pay period following formal notification.

Grant-funded employees are only paid unused leave if sufficient funding exists under the grant(s). As per College policy, grant-funded employees are limited to only 240 hours (30 days) of annual leave payout upon separation, even if the grants allow for additional payments.

Employees who are terminated are ineligible for payment of unused annual leave.

D. Transferring Annual Leave

Employees' annual leave balances move with them from one department to another. Annual leave cannot be forfeited as a disciplinary action, nor can it be transferred from one employee to another.

6.05 Sick Leave

Regular full-time and part-time faculty and staff are eligible to accrue paid sick leave on a semi-monthly basis in accordance with payroll dates. To accrue sick leave each pay period, employees must work or be on approved paid annual or sick leave at least sixteen (16) College work days out of the month. Sick leave is not credited on a pro-rated basis for partial months worked. Temporary, student, and grant-funded (unless otherwise specified) employees do not accrue sick leave. Sick accrual for grant-funded positions must adhere to College policy.

Eligible exempt and non-exempt employees accrue sick leave at the rate of 8.68 hours per month (13 days a year). Sick leave accrual is pro-rated for part-time employees. Employees may view leave balances via [WebAdvisor](#).

A. Requests

Requests for sick leave are submitted via WebAdvisor and should be initiated within 24 hours after returning from the absence. Sick leave should be requested in no less than 1/4-hour increments. All sick leave must be approved by supervisors.

Employees must report any unplanned absences due to illnesses or injuries to their immediate supervisors by the start of their work shifts. Supervisors have discretion to take emergency situations into account if employees are unable to call before the start of their shifts. Departments may have additional specific provisions regarding call-in procedures for their respective areas. Failure to follow College and department protocols to report absences and request sick leave may be cause for denials of the leave and/or disciplinary actions.

Time off due to personal illnesses or injuries (including disability due to pregnancy and childbirth), prescheduled medical appointments, and other related medical conditions may be charged to sick leave.

Absence from work to care for an ill or injured member of one's immediate family may also be charged to sick leave. For purposes of this policy, immediate family members may be natural, step, adopted, or foster, and includes spouses and domestic partners, children, grandchildren, parents, grandparents, and siblings.

If employees do not have enough accrued sick leave, annual leave will be used or the time is considered leave without pay.

Requests for advancement of unearned sick leave will not be approved. Leave without pay may be charged for any illness related absence in which there is insufficient accrued leave.

B. Request for Physician's Statement

The College reserves the right to require physicians' statements. It is recommended at any time abuse of sick leave is suspected. Abuse of sick leave is defined as the improper or excessive use of sick leave hours. Abuse of sick leave is grounds for dismissal. Supervisors may also request physicians' statements certifying the necessity for sick leave for absences longer than three (3) days.

C. Payment of Unused Sick Leave

Upon separation, the College does not pay employees for unused sick leave.

D. Transferring Sick Leave

Employees' sick leave balances move with them from one department to another. Sick leave cannot be forfeited as a disciplinary action nor can it be transferred from one employee to another outside of the sick leave bank.

6.06 SABBATICAL LEAVE FOR FACULTY

Purpose

Maintaining quality educational programs provided by faculty current in their fields is essential to the mission of San Juan College. This serves the college mission of student success and completion by supporting revitalization for college faculty members. Sabbatical leave enables faculty members to engage, or re-engage, in study, research, writing, creative work, and collaborations that will rejuvenate their teaching and professional effectiveness.

Eligibility

Faculty members who have completed seven or more years of full-time, continuous service at San Juan College, or who have served for seven years following the completion of a previous sabbatical leave, are eligible to apply for leave.

Criteria

General criteria for the award will include the applicant's dedication to the College's values, dedication to student success, service to the college, evidence that the sabbatical will provide renewal or experience which will enhance faculty member's contribution to the college. A letter of support from the applicant's dean should include verification that the college will be able to reallocate faculty work load during the proposed sabbatical.

Process

An applicant must initiate the sabbatical leave process with his/her dean or immediate supervisor. Sabbatical applications are posted on the college intranet under the Office of Learning.

The proposal must contain the following items:

- Applicant name.
- Eligibility (years of service at SJC and/or years since last leave).
- Semester leave is requested (fall, spring, or both).
- Outline of proposed course of study or professional activity to be undertaken during leave.
- Major goal to be achieved as a result of the leave.
- Benefit to the college from this leave.
- Plan for reallocation of work in applicant's school or department
- Brief resume/vita which demonstrates evidence of the applicant's professional development and overall performance at the college.
- Other information to strengthen the application, e.g. acceptance into a program of study or work, other letters of recommendation, results from a previous sabbatical leave.

Timeline

- April 30. The Vice President for Learning informs the faculty of the availability of sabbatical leave for the following academic year. The Administration will determine whether to grant Sabbatical leave based upon budget availability and other commitments of the institution.
- October 15. Applicants submit completed proposals to their deans or supervisors.
- November 1. Deans or supervisors forward all proposals with their recommendations to the Faculty Leave Committee.
- December 1. The Faculty Leave Committee forwards all proposals to the Vice President for Learning for final approval. The committee will submit their recommendations on each proposal and an overall ranking of applications to the Vice President for Learning.
- January 15. The Vice President for Learning notifies, in writing, all applicants and their deans/supervisors of the decisions on the sabbatical proposals. Applicants whose proposals are not successful will receive justification for denial and, when appropriate, recommendations for improvement.

Compensation

Faculty members who are granted sabbatical leave will be compensated in the following manner:

- Fall semester at full pay at the faculty member's contracted rate, or
- Spring semester at full pay at the faculty member's contracted rate, or
- Fall and spring semesters at one-half pay at the faculty member's contracted rate.

It is not intended that an individual should accept other employment during the period of sabbatical leave, because an individual on sabbatical leave continues to be employed in their current position by the College. An employee on sabbatical leave may accept a grant for study, research or travel from an institution of higher education or from a charitable, religious or educational corporation or foundation, from any business enterprise, or from any state, federal or local government, but may not accept paid employment of any kind except as may be specifically approved by the President. An individual who receives compensation without the approval of the President, as required by this procedure, will be required to return all compensation received from San Juan College during the sabbatical period.

All benefits are retained and leave recipients receive any pay increase that may occur during the sabbatical period.

Responsibilities

Sabbatical recipients must:

1. Sign a contract encompassing the compensation requirements and responsibilities contained herein.
2. Return to teaching at San Juan College for at least two full years following the leave, or remit all salary, leave and benefits received while on leave. Exceptions may be granted by the Vice President for Learning.
3. Submit a written report with standard criteria included to their dean or supervisor and the Vice President for Learning upon return to the College.
4. Present results of leave accomplishments to faculty and staff at the Center for Teaching Excellence, College Council, and to the Board of Trustees, within six months of return from leave.

6.07 FAMILY AND MEDICAL LEAVE POLICY (FMLA)

In accordance with the Family and Medical Leave Act of 1993 (FMLA), for eligible employees, the College provides up to twelve (12) workweeks of unpaid, job-protected FMLA leave in a 12-month period for any of the following:

- A. Incapacity due to pregnancy, prenatal medical care or child birth;
- B. To care for the employee's child after birth, or placement for adoption or foster care (within 12 months of the birth or placement);
- C. To care for the employee's spouse, same-sex or domestic partner, son, daughter, or parent, who has a serious health condition;
- D. To take medical leave when the employee is unable to work because of a serious health condition; or
- E. To address certain qualifying exigencies when a spouse, son, daughter or parent is on

covered active duty or called to covered active duty status. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings;

- F.** To care for a service member with a serious injury or illness, employees are granted a total of twenty-six (26) work weeks of unpaid FMLA leave during a “single 12-month period”. The leave is limited to care for a spouse, son, daughter, parent, or next of kin who is a current member of the armed forces, including the National Guard or Reserves.

Family leave provisions apply equally to male and female employees.

FMLA leave time must be taken all at one time but, under some circumstances (birth or care, or placement for adoption or foster care), FMLA leave may be taken intermittently as approved by Human Resources and the appropriate Vice-President, or if an employee falls under the lines of authority of the President, the Vice-President for Administrative Services.

To be eligible for FMLA leave, an employee must:

- A.** Have worked at least 1,250 hours during the previous 12 months in a regular (budgeted, non-temporary) or temporary benefitted position,
- B.** Work at least 30 hours a week or more

Employees must provide supervisors and Human Resources at least 30 days advance notice before FMLA leave begins. If unable to provide a 30 day notice, employees must comply with the departmental call in procedures and provide notice as soon as possible.

Employees requesting FMLA leave are required to first utilize all accrued annual and sick leave and the College may designate annual leave or sick leave as FMLA leave. If employees do not have enough paid leave to cover the entire 12 weeks or requested periods, the remaining time is considered leave without pay.

The College and employees (if participating in health insurance programs) continue to pay their respective portions of health insurance premiums during all FMLA leave periods. If employee fails to return from FMLA leave, the College may be entitled to recover the insurance premium paid by the employer consistent with the requirements of the FMLA Act.

The College may require certifications of serious health conditions for employees or the appropriate family members. Employees must provide such certifications in a timely manner. Certifications must include the dates on which the serious health condition(s) in question began, the probable duration of the condition(s), appropriate medical facts regarding the condition(s), statements that the employee is needed to care for the individuals, and the dates and durations of expected treatments. Supervisors, in conjunction with Human Resources, may require second or third medical opinions (at the expense of the College) and periodic re-certifications of serious health conditions. All medical information is retained in a confidential manner.

Employees returning from FMLA leave should provide notice of their intent to return to work from FMLA leave two weeks prior to the end of their FMLA leave period and provide the College with certification from their healthcare provider that the employee is able to resume work. On a return to work by an employee from FMLA leave, the College will return that employee to their prior position, if available, at their prior wage rate, or if that position is not open, the College will return the employee to an equivalent position at an equivalent wage rate and benefits to the position they had at the commencement of the FMLA leave.

6.08 SERIOUS ILLNESSES

Employees with serious illnesses such as, but not limited to, cancer, heart disease, or AIDS, may continue working if it is determined by their supervisors and campus executives that these employees are able to meet acceptable performance standards and medical evidence is provided which indicates that their conditions are not a threat to themselves or others. Existing employee policies and protocols related to leave, insurance, etc. are followed whenever employees with serious illnesses are involved.

Employees must obtain releases from their doctors stating any limitations and that working at their assigned positions will not be detrimental to their health or the health and safety of others. Supervisors should be sensitive to the employees' conditions and ensure that they are treated consistently with other employees as provided in the [Federal Rehabilitation Act of 1973](#), and the [Americans with Disabilities Act, 1989](#). Supervisors and the appropriate Vice-President or if an employee falls under the lines of authority of the President, the Vice-President for Administrative Services may at any time require employees to provide updated doctor's statements for the purpose of determining the employees' ability to perform the duties of their positions.

Employees with AIDS or other communicable diseases will be permitted to work unless their personal physicians or state/federal public health officials declare that the diseases represent substantial risks to the health and safety of others. In such instances, appropriate measures will be taken to protect the College, employees, students, and public.

An employee's medical condition is personal and confidential and reasonable precautions should be taken to protect the information on an employee's medical condition. Only a demonstrated "need to know" basis is justification for releasing such information. Human Resources and the appropriate executive will meet with any individual requesting information related to an employee's medical condition. If Human Resources and the appropriate executive determine there is a need to release medical information, they will contact the employee to advise he/she that the information is being shared.

Employees who refuse to work with co-workers with serious illnesses will be counseled and given applicable information. Continued refusal by employees to work with co-workers who have serious illnesses may result in corrective or disciplinary actions.

6.09 SICK LEAVE BANK

The College maintains a sick leave bank to benefit regular (benefitted, non-temporary) employees who meet requirements and suffer catastrophic injuries or illnesses or debilitating condition that affects mental or physical health which prevents them from working and requires the services of

licensed physicians for prolonged periods of time. The sick leave bank was established to alleviate the hardship employees may encounter after exhausting all accrued annual and sick leave but who continue to require time off.

A. Membership (Open Enrollment)

There are two ways to join the sick leave bank:

1. New employees are enrolled during the onboarding (new employee orientation) period unless they choose not to participate.
2. Existing employees may join through an annual open enrollment period if they are:
 - a. In good standing with a history of average or above average performance ratings without written records of disciplinary actions for leave abuse or misuse of leave within the past 12 months.
 - b. Actively employed in regular positions earning sick leave.

All employees should maintain sufficient leave balances to cover occasional absences due to illnesses, injuries, or disabilities as certified by physicians.

Employees contribute 16 hours of sick leave upon joining the bank. The contributed hours are subtracted from their individual sick leave balances by increments of two (2) hours per pay period until the full 16 hours is acquired. Employees may contribute up to 80 sick leave hours within a three (3) year period.

To contribute sick leave hours to the Sick Leave Bank, employees complete [Application for Membership in Sick Leave Bank form](#), provide copies to their supervisors and submit the forms to the Bank Manager. Employees choosing not to participate in the Sick Leave Bank may indicate that on the Application for Member form, provide copies to their supervisors and submit the forms to the Bank Manager. New employees can elect to participate in the Sick Leave Bank during On-Boarding. Current employees may elect to participate in the Sick Leave Bank during Sick Leave Bank Open Enrollment each spring.

Employees may not stipulate or direct who is to receive the donated sick leave hours nor are they entitled to refunds if they have a reduction in full time equivalent, terminate, transfer, or do not request the use of hours from the bank. Retirees and employees who terminate their employment are not eligible to donate their remaining sick leave balances to the bank.

The sick leave bank maintains a minimum balance of 3,500 hours. When the bank is at this minimum balance, it is the Bank Manager's responsibility to increase the balance. Members will be asked to contribute additional sick leave hours (eight (8) hour minimum) to retain member ships and may contribute more than eight (8) hours if they have the balance available.

The Bank Manager may limit the amount of sick leave donated by employees when there is a sufficient sick leave bank balance available.

B. Use

Only members of the sick leave bank may request hours from the bank for their serious personal disability, illness, accident, or injury. Employees may request time from the bank only after exhausting their individual accrued annual and sick leave balances. While utilizing hours from the sick leave bank, employees do not accrue annual and sick leave.

Employees must complete and submit the “Request for Sick leave from the Sick Leave Bank” forms, with proper documentation such as medical certifications, to the Bank Manager, who is typically the Benefits Manager. If necessary, secondary certifications may be requested from medical providers chosen by, and paid for, by the College.

When absences meet the [Family Medical Leave Act](#) (FMLA) eligibility criteria (as determined by Human Resources), the approved absences are counted toward the employees’ FMLA entitlements.

When requests are received, the Bank Manager or designee approves or denies requests for utilization of the sick leave bank. The Bank Manager may approve all, part, or deny the request for use of hours from the sick leave bank. All College employees and supervisors involved in this process are required to maintain strict confidentiality and refrain from sharing medical information.

Incomplete requests are canceled if the requested complete information is not received within 20 days from the dates of requests.

If approved, medical updates are required every 30 days, unless otherwise indicated. Failure to submit required medical updates may result in delay or loss of bank benefits. The Bank Manager determines the amount of the bank leave awarded. The amount granted cannot exceed 90 work days (12 weeks) or 720 hours from the bank within a 12 month period.

Any unused balance of sick leave bank hours returns to the bank when the employee returns to work. Employees utilizing leave from the Sick Leave Bank who return to work on a part-time basis are not eligible to continue on bank leave to make up the difference between their part-time employment and regular full-time employment. Sick leave bank awards immediately stop once the catastrophic medical conditions for which it was granted ceases.

Leave time granted is considered wages and subject to social security, Medicare, FUTA taxes, federal income tax withholding, and ERB withholding rules.

C. Limitations on Use

There are some limitations on the use of leave from the sick leave bank which include the following:

1. Employees may not use sick leave bank hours in conjunction with workers' compensation injuries or illnesses.
2. Elective surgery does not qualify as a catastrophic illness or injury. If complications arise resulting in a serious health condition, the situation may qualify as a catastrophic illness or injury.
3. A routine pregnancy is not considered a catastrophic illness or injury. If complications arise resulting in a serious health condition for the mother, the situation may qualify as a catastrophic illness or injury.

D. Denial

All denials are provided in written format and the Bank Manager meets with the employees and their supervisors to discuss the decisions.

To appeal, employees must submit in writing a letter and supporting documentation to the Director of Human Resources. The appeals should include thorough explanations of the original requests and reasons why the requests should be reconsidered. The Director will make recommendations to the appropriate Vice-President, or if the employee falls under the direct lines of authority of the President, the Vice-President of Administrative Services, who shall make the final determination.

E. Abuse or Misuse

Human Resources investigates any alleged abuse or misuse of sick bank leave. If warranted, employees may be required to reimburse all sick bank leave, lose membership, and/or be subject to disciplinary actions.

F. Canceling Membership (Withdrawal)

To cancel participation, employees should submit letters to the Bank Manager. Employees forfeit all donated leave hours.

G. Exceptions

As of July 1, 2013, the College has provided exceptions for regular employees in good standing who do not meet eligibility requirements for membership in the sick leave bank. These exceptions are at the discretion of the College President based upon review and recommendation by the Bank Manager.

Supervisors, deans, directors, or other College employees may, on the behalf of the ill or injured employees, request sick bank leave assistance. The requests should document illnesses or injuries that prevent the employees from working for continuous periods of at least 21 calendar days and forces the employees to exhaust all accrued annual and sick leave and to lose compensation.

If needed, the President may request additional donated hours for the sick leave bank to provide coverage for these exceptions. Any donated leave hours is managed separately within the bank and used only at the President's request.

6.10 OUTSIDE EMPLOYMENT

Employees shall not accept other employment during extended sick leave to include leave under the [Family Medical Leave Act](#) (FMLA), sick leave, sick leave bank, under [American's with Disabilities Act](#) (ADA) accommodations, and workers' compensation. Violations will be cause for disciplinary action and/or termination.

6.11 MILITARY LEAVE

College employees called to military duty are excused for the period of time they are actually involved in active duty in the Armed Services of the United States military and other uniformed services specified below. This paid leave will not exceed fifteen (15) College work days in any one calendar year.

- A.** Only regular employees on active duty in one of the following uniformed services are eligible for military leaves of absence: Armed Forces of the United States, defined to include Army, Navy, Air Force, Marine Corps, Coast Guard and their reserve components; U.S. Public Health Service; and the New Mexico National Guard.
- B.** The following types of active military duty qualify for military leaves of absence:
 - 1. Annual duty for training (required participation by National Guard or Reserve Unit)
 - 2. Local or national emergency (employees' units are activated for local emergencies as declared by the President of the United States or the Governor of New Mexico)
 - 3. Special training (voluntary duty for special training purposes)
- C.** Military leaves are granted to eligible employees upon presentation to the appropriate Vice-President or if an employee falls under the direct line of authority of the President, the Vice-President for Administrative Services, of official military orders or other evidence indicating that the employees are entering required active military duty. Requests for voluntary duty are evaluated and approved on a case-by-case basis by the appropriate Vice-President. Notifications of requests for military leave should be made in a timely fashion in consideration of work duties in the employees' absences.
- D.** Military leaves are paid at the employees' straight-time rates and only for the workdays the employees would normally be scheduled to work.
- E.** Military leaves begin on the first working day absent and terminate on the last calendar day required as evidenced by the military orders.
- F.** Military leaves without pay may be granted for reasons other than those specified above.

6.12 RESERVIST CALLED TO DUTY

The College holds open the positions of reservists called to active duty pursuant to United States Presidential orders or who volunteer for emergency active duty for a minimum of four (4) years (five (5) years if service is extended at the request and convenience of the federal government.) The College restores reservists to their former positions with full seniority or positions offering the same ranks, pay and seniority upon return from active duty. Reservists must return to work and within 90 days after release from active duty.

College employees who are military reservists and National Guard members are not, by law, required to provide their employers with notice when leaving for active duty. However, if possible, notices should be given to immediate supervisors, either personally or through another's (family members, etc.) contact.

During active duty, the reservists do not receive their College pay, but may continue medical, life, and/or dental benefits. The reservists need to make arrangements with the Business Office to ensure monthly payments of 40% of the benefits premiums. [Uniformed Services Employment and Reemployment Rights Act 1994](#)

6.13 JURY DUTY AND COURT LEAVE

Employees called for jury duty are excused, with pay, from work on the days or portion of the day assigned to jury; the time is not charged to annual leave. If released from jury duty prior to 12:00 p.m., employees must return to work for the remainder of the day.

Employees who regularly work night or graveyard shifts are granted time off the night shifts following their scheduled jury duty hours. The time off equals the amount of time spent by the employees performing their jury duties. Employees must submit jury duty papers to supervisors prior to the dates scheduled. Absences due to jury duty are reported on [WebAdvisor](#) timesheets.

College employees, as all citizens, have the right, and on occasion, the obligation, to serve as expert witnesses in courts of law. As such, they are not representatives of the College, but are acting as private citizens. Their conduct and court appearances as private citizens should, however, reflect well upon the College. Employees must inform their supervisors prior to any such appearances.

Employees subpoenaed or serving as individual witnesses, rather than in official College capacity, are charged annual leave. Employees may retain any compensation received from third parties for such services. Employees subpoenaed or serving as witnesses in an official College capacity (representing College interests), are granted leave with pay.

6.14 BEREAVEMENT LEAVE

Employees are allowed leave, not to be counted against annual or sick leave, of up to three (3) consecutive working days, in the event of the death of immediate family members.

“Immediate family members” means spouses, children, parents, grandparents, grandchildren, brothers, sisters, aunts, uncles, nieces, nephews, daughter/sons-in law, father/mothers in-law, sister/brothers in-law, and legal guardians.

Leave is granted primarily based on the distance to be traveled, mode of transportation and employees’ relationships to the deceased.

Any leave time requested beyond three days is taken as annual leave.

6.15 DOMESTIC VIOLENCE LEAVE

Employees who are victims of domestic violence are allowed up to 14 days of accrued paid leave or leave without pay per year. Employees must notify their supervisors within 24 hours of beginning the leave or must provide as much notice as possible based on the circumstances.

Employees must provide their supervisors verification of the leave. The verification may be copies of: police reports, protection orders, or other court evidence or written statements from their attorneys, district attorney’s victim advocates, or prosecuting attorneys. The reason/incident for leave must be kept confidential.

Employees continue to receive pay (unless on unpaid leave), health insurance, and other benefits.

6.16 LEAVE WITHOUT PAY

Employees may be permitted to be on leave without pay (LWOP) status after all accrued annual and/or sick leave is exhausted, upon approval by the Supervisor. During LWOP status employees do not accrue annual or sick leave. Employees on LWOP status for a period longer than 5 working days must be approved by the appropriate Vice-President or if the employee falls under the direct line of authority of the President, the Vice-President for Administrative Services.

For employees on LWOP status due to a medical necessity:

- The costs of benefits continue to be shared between the employee and the College for a period not to exceed one (1) year, or until such time as the employee is on long-term disability, whichever comes first. After that time, the employee is responsible for 100% of the cost of benefits.

For employees on LWOP status due to a non-medical reason:

- The costs of benefits continue to be shared between the employee and the College for a period not to exceed thirty (30) days. After that time, the employee is responsible for 100% of the cost of benefits.

Employees in LWOP status will need to make arrangements with the Business Office to pay their portion of monthly insurance premiums.

Employees absent from work without proper voluntary approval, for a period of three (3) consecutive working days, are deemed to have resigned their employment at the College. If subsequent investigation and information reveals extenuating circumstances, with appropriate

supervisor and appropriate Vice-President or Presidential designee approvals, employees may use annual, sick, or leave without pay for the days absent.

Leave without pay will not be assessed in less than 1/2 hour increments.

6.17 ADMINISTRATIVE LEAVE

Under certain circumstances, as recommended by supervisors and upon approval by the appropriate Vice-President or in the case of an employee falling under the line of direct authority of the President, the Vice-President for Administrative Services, employees may be placed on administrative leave with or without pay. The Vice-President determines the length of the leave periods based on a case-by-case basis and the particular circumstances involved. Circumstances that may warrant administrative leave include, but are not limited to the following:

- A. Investigations of incidents surrounding possible disciplinary actions;
- B. Serious medical conditions which require special treatment beyond the use of available sick leave;
- C. When it is considered in the best interest of the College to remove employees from campus;
- D. Situations associated with allegations of sexual harassment or other forms of discrimination; or
- E. Any other set of circumstances in which annual leave or sick leave policies are not sufficient to address.

6.18 HOLIDAY LEAVE

The College recognizes the following holidays:

President's Day
Memorial Day
Independence Day
Labor Day
Thanksgiving Break
Winter Break

Human Resources notifies employees of the approved holiday schedule for each calendar year.

Affected Employees

All regular full-time employees working 30 or more hours per week are paid for all holidays.

Regular Part-time employees working less than 30 hours per week are paid on a pro-rated basis for the Winter Break, but are not compensated for other holidays.

Temporary, emergency, and student workers do not receive holiday pay.

Eligible employees forfeit their rights to holiday payment if they have unexcused absences on either the last regular work day preceding the holiday or the first regular work day following the holiday.

6.19 HOLIDAY PAY

The President determines departments or services that remain open during holiday breaks. Supervisors are strongly encouraged to allow employees full advantage of the holiday break period.

Supervisors should first ask for volunteers to work all or part of the holiday breaks. If additional staff is required, supervisors should ask the respective employees with the necessary skills needed to support business needs.

Non-exempt employees working during holiday breaks including the Thanksgiving Break and Winter Break will be paid at straight time for hours worked in addition to straight time for the holiday.

To be eligible for paid Winter Break, employees must work or be on paid leave for all the scheduled College work days for the month of December. Supervisors of those departments or service areas that remain open during Winter Break, must submit their projected staffing needs by December 1 each year to their supervisors and to the appropriate Vice-President, who has the authority to adjust the staffing limits as appropriate to meet business needs. In order to pay for overtime in a timely manner for Winter Break, the director/supervisor will prepare a supplemental contract by January 15. The timesheet must be submitted with the supplemental contract by January 15 in order for payment to be made on the January 31 payroll. If a timesheet is not submitted prior to the deadline date, payment will be made on the next regular payroll after the timesheet has been submitted.

- A. Student/temporary/hourly staff** receive straight-time for time worked. The hours worked are recorded on timesheets for payment no later than the January 31 payroll. These employees are not paid time and a half for hours worked unless the hours worked fall within Federal Labor Standards Act (FLSA) guidelines (over 40 hours worked).
- B. Professional staff** receive their regular salaries. Supervisors ~~or executives~~ may allow the employees to take the same hours worked off at another time in ~~the following~~ January. No additional compensation will be approved.

6.20 PROCEDURES FOR ABSENCE FROM ASSIGNED RESPONSIBILITIES BY PARTICIPATING IN LOCAL, STATE, NATIONAL ACTIVITIES OF A POLITICAL NATURE

Each employee of San Juan College has the privilege of participation in political as well as other community activities.

A San Juan College employee will at all times indicate that comments, actions, and/or statements are his/her own and in no way represent San Juan College officially.

Prior to announcement for any public office or position which is determined by vote, the San Juan College employee will consult with the appropriate Vice-President who will arrange a conference with the President. After visiting with the employee, the President will inform members of the San Juan College Board of the expected announcement.

When election to a position results in the employee taking leave for a period of time considered excessive, the employee will be asked to take leave without pay.

CHAPTER 7

BENEFITS

7.00 GENERAL STATEMENT

San Juan College provides Healthcare (medical, dental, vision) Insurance, Pre-Tax Programs, COBRA, Employee Assistance Program, Workers' Compensation, Retirement, Social Security, Tuition Waiver and other voluntary benefits for employees. Contributions of premiums or payments for San Juan College and employees are addressed within this chapter. The College reserves the right to terminate, discontinue, alter, modify, or change employee/retiree benefits at any time.

7.01 INDIVIDUALS AND ENTITIES AFFECTED BY THIS PROCESS

A. Employees

Eligible Employees hired as exempt, non-exempt, probationary, temporary, or hourly who work 30 hours or more per week for employment terms of six (6) or more months are eligible to receive benefits

Dependents

Eligible dependents include the following:

- 1. Lawful spouses** (not legally separated) including same-sex marriages.
New Mexico statute does not recognize common-law marriages; however, for those states that recognize common-law marriages, the College also recognizes these marriages for its healthcare programs.
- 2. Domestic Partners**
The employees and their domestic partners must execute affidavits of domestic partnerships affirming they are in mutually exclusive, committed relationships, have shared primary residences for six (6) or more consecutive months, are jointly responsible for the common welfare of each other, and share financial obligations. IRS Guidelines prohibit premiums for domestic partners on a pre-tax basis.
- 3. Children**
Natural, adopted, step-children, children of domestic partners, and children for whom employees have court-approved legal guardianships are eligible to be covered to age 26 regardless of a child's marital status.

Extended family members such as parents, other dependents, and relatives (aunts, uncles, and cousins) **are not eligible under any circumstances**. Court orders to provide coverage for extended family members do not require the College to grant healthcare eligibility to the dependents. Independent, separate coverage may need to be purchased. Healthcare providers/carriers may require evidence and documentation of medical necessity for physically or mentally impaired children.

7.02 EXCLUSIONS

Part-time (less than 30 hours a week), temporary, and student employees are not eligible to participate in the College's healthcare programs.

7.03 RESPONSIBILITIES

Employees who are eligible for benefit coverage must enroll within the time frame specified by the College in the sections below. Employees must notify Human Resources of any beneficiary and/or name changes using the [ERB change form](#) and [Basic Term Life Insurance change form](#). Forms are available by clicking on each link. More specific information regarding San Juan College benefits is available by contacting Human Resources.

7.04 HEALTHCARE BENEFITS

A. Enrollment

Employees must enroll within 31 calendar days from their dates of hire. If employees do not enroll within the 31 calendar days of initial eligibility, they may enroll in healthcare plans as "late enrollees". The late enrollment provision applies to health insurance only; dental vision, legal, and flexible spending accounts are excluded. The effective dates are 90 calendar days from the dates the enrollment applications are signed.

Healthcare plans do not include pre-existing condition limits. Both Basic Life & Disability and Supplemental Life are subject to medical underwriting ([Evidence of Insurability form](#)) requirements.

B. Change of Status (Qualifying Events)

This provision protects employees and dependents already covered under healthcare plans when a qualifying event or change of status occurs. [Qualifying events](#) include change of job status, marriage, divorce, death of a spouse or dependent, birth of a child, adoption, or any change of status as defined.

Coverage begins the day following the qualifying event, provided enrollment change forms are submitted within 31 calendar days of the qualifying events. If enrollment changes are not made within the required 31 calendar days, employees must wait until the next open enrollment. Employees can only make changes to their insurance coverage during open enrollment periods or when a change of status or qualifying event occurs.

Dependent children between the ages of three (3) to five (5) can be added to the employees' dental and vision plans at any time, provided the employees are already enrolled in the plans at the time the applications are submitted.

C. Effective Dates and Premiums

Once enrolled, coverage begins the first day of the month coinciding with or following completion of one month of employment.

San Juan College contributes a percentage of the health, dental, and vision premiums in accordance with a schedule approved by the College Leadership Team and disseminated by the Director of Human Resources.

Annualized salaries are based upon a 40-hour work week or 1 Full-time Equivalent (FTE) and are used to calculate insurance premiums for those eligible employees working less than 40 hours per week.

For part-time employees, base salaries are figured on FTEs. For example, if an employee is considered “0.50 FTE” and earns \$15,000 per year, his/her base salary is annualized to \$30,000.

The College pays 100% of Basic Term Life & Disability insurance for all eligible employees.

Additional insurance coverage such as, dependent life, supplemental life, legal, and other voluntary plans are paid 100% by an eligible employee.

D. Coverage after Retirement

Employees who officially retire from the College may elect to continue their health, dental and vision benefits when they meet one of the following criteria:

Employed prior to July 1, 2010

- “25 and Out” Earned service credit + allowed service credits = 25
- “Rule of 75” Your age + **earned** service years = 75 or more
- “65 and 5” If you are at least 65 years old and have at least 5 years of **earned** service credit

Employed on or after July 1, 2010

- “30 and Out” Earned service credit + allowed service credits = 30
- “Rule of 80” Your age + **earned** service years = 80 or more
- “67 and 5” If you are at least 67 years old and have at least 5 years of **earned** service credit

The College contributes towards the premiums based on retirement dates according to the following chart:

Individuals Retiring	College Share	Employee Share
Prior to July 1, 2010	60%	40%
On or After July 1, 2010	50%	50%

To qualify for health care benefits at retirement, active employees must elect to participate in the San Juan College [Retiree Healthcare Program](#) within 31 calendar days from their dates of hire or dates of eligibility for all benefits, and contribute a percentage of their salaries during their benefitted employment with the College. There is no ability to “opt-in” at a later date for retiree health care benefits based on a change in

marital or employment status and pay back contributions. All eligible employees are encouraged to carefully consider enrolling for this benefit at the time of employment.

Beginning	Withholding Rate
July 1, 2010	0.49%
July 1, 2011	0.62%
July 1, 2012	0.69%
July 1, 2013	0.75%
July 1, 2014	0.75%
July 1, 2015	0.75%
July 1, 2016	0.75%

7.05 OTHER HEALTH RELATED BENEFITS

[Family Medical Leave Act](#) (FMLA) requires covered employers to provide up to 12 weeks of job-protected leave to eligible employees for the following reasons:

- A. Incapacity due to pregnancy, prenatal medical care or child birth;
- B. To care for the employee's child after birth, or placement for adoption or foster care;
- C. To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- D. For a serious health condition that prohibits the employee from performing the employee's job.

7.06 MILITARY FAMILY LEAVE ENTITLEMENTS

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings. More [detailed information](#) on FMLA.

7.07 PRE-TAX PROGRAMS

A. Flexible Spending Accounts (FSAs)

[Flexible Spending Accounts](#) (FSAs) are tax-free accounts that allow employees to pay for essential healthcare expenses not covered or partially covered by medical, dental and vision plans. Child and dependent expenses may also be included in FSAs. There are two types of FSA accounts: medical reimbursement and dependent care. During a calendar (January 1 – December 31) year, employees contribute a portion of their pre-tax income each pay period to either or both of the FSA accounts. This money is then used to "reimburse" the employees for eligible expenses (co-pays, deductibles, over-the-counter medications, out-of-pocket expenses, daycare, babysitting, and general purpose day camps) incurred by the employees and eligible family members.

Employees can only make changes to their FSAs during open enrollment periods or during the plan years with changes of status/qualifying events.

7.08 WORKER'S COMPENSATION

A. On-the-Job Accidents

Employees must report on-the-job accidents to their supervisors as soon as possible, but no later than 15 days. Ideally, to prevent any medical treatment or claim delays, information should be shared immediately, with the College's Department of Public Safety (DPS), supervisor, and Human Resources.

B. Training

Supervisors shall provide training to employees regarding the workers' compensation process and employee responsibilities, in the event a workplace accident or illness occurs. Supervisors and DPS are required to investigate all workers' compensation accidents and/or illnesses. The Environmental Health Safety & Risk Management (EHSRM) may also be involved in investigations. Supervisors must notify Human Resources by the end of the following business day after an employee notifies them. The immediate supervisor, in conjunction with the employee, shall complete the [Worker's Compensation Notice of Accident form](#) (NOA-1). When an employee presents a Notice of Accident form, the supervisor should sign the form, retain a copy to provide to the Benefits Manager, and provide a copy of the signed and dated NOA form to the employee.

If an accident or illness occurs, supervisors shall:

- 1) Call 911 if a life threatening situation exists
- 2) Call Public Safety, as an incident report will need to be completed
- 3) Ensure the employee is safe until help arrives

The New Mexico Worker's Compensation Act, 1991, provides:

1. New Mexico law provides that after a work-related injury, the employer can either select the initial health care provider for the injured worker or it can permit the injured worker to make that initial selection. The initial selection is for sixty (60) days. San Juan College policy is that the injured employee will make the initial selection of a health care provider and that, after that initial selection, the College has the right to file for a change in health care provider after the initial sixty (60) day period. Injured workers are advised that after such a change in health care provider, if they continue to see their initially selected health care provider, the College is not required to pay for such treatment [NMSA 1978, § 52-1-49].
2. Lost wage benefits are not paid for injuries that result in seven (7) or less days of lost work time. If injuries result in more than seven (7) days, benefits are paid at 66 2/3 percent of employees' average weekly wages to a maximum established by law. If the period of disability lasts more than four (4) weeks, lost wages will be paid back to the date of disability [NMSA 1978, § 52-1-40].

B. Return To Work

Supervisors must inform the Benefits Manager of the dates the employees are away from work and when they are scheduled to return. When possible, employees shall be encouraged to return to work at the earliest possible date; however, before returning to work, employees must ensure that their health providers/facility provide [Return to Work](#) forms to both supervisors and the Benefits Manager. These forms indicate the dates the employees may return to work whether they are able to return to work on light or full duty, and a list of any restrictions or limitations on their work activities.

C. Employee Rights

In accordance with New Mexico law, employees will not be terminated nor retaliated against for filing a worker's compensation claim.

D. Reasonable Accommodations

In certain cases, a work-related injury or illness that results in a permanent condition may give rise to a disability covered by the [Americans With Disabilities Act, 42, USC 12101](#). In those instances, reasonable accommodations that allow the employee to perform the essential functions of that job shall be made. If reasonable accommodations can be made to the essential functions of the job in order to allow an injured or ill employee to return to duty, such accommodations shall be made. These accommodations are known as "restricted duty."

E. Vacant Positions Resulting From Work-Related Injury or Illness

The College will initially cover vacant positions which are the result of a work-related injury with a temporary employee. However, if an injured worker is expected to be off work for more than twelve (12) weeks, the College may, at its sole discretion, fill that vacant position with a permanent replacement employee. When the injured employee is certified by their health care provider that they are cleared to return to their prior position or modified work similar to the pre-injury job without significant risk of re-injury, then, if the College is hiring for that position and the injured worker applies for that position, the College shall offer to rehire the injured worker [NMSA 1978, § 52-1-50.1].

F. Termination of Employee with Work-Related Injury or Illness

An employee with a permanent job-related injury or illness will not be terminated unless advance notice is given to the State Risk Management Division and the termination is consistent with the requirements and terms of the Americans With Disabilities Act.

7.09 COBRA - Continuation Rights to Insurance Benefits

The [Consolidated Omnibus Budget Reconciliation Act of 1986](#) (COBRA - Public Law 99-272) requires the College offer employees and their families the opportunity for temporary extension of health, dental, and vision coverage in certain circumstances where coverage under the plans would otherwise end. Coverage may be continued from 18 months to three (3) years depending on the

circumstances surrounding the loss of coverage. COBRA information is mailed to employees' home addresses upon termination of employment.

Benefitted employees, their spouses and/or dependents have rights under COBRA if there are losses of coverage due to changes in qualifying events. The following are examples of qualifying events:

- A. Termination of employment (other than gross misconduct) for any reason (layoff, resignation, retirement, etc.)
- B. Reduction of hours worked by an employee
- C. Death of employee
- D. Divorce or legal separation
- E. Dependent child ceasing to meet eligibility requirements (turns 26)
- F. If coverage is lost because active employee elects to make Medicare the primary coverage, thus becoming ineligible under the plan

Employees are responsible for informing Human Resources by completing the [Change of Name & Address form](#) of any divorces, legal separations or changes in child dependency for any of the above events to be activated. For those employees who do not choose to continue healthcare coverage, the coverage ends at the end of the month in which their employment terminates.

7.10 RETIREMENT

A. Educational Retirement Board

The [Educational Retirement Board](#) (ERB) is the legal body responsible for administering the Educational Retirement Act (ERA). The Educational Retirement Board is a state agency, accountable not only to its members and the Board, but also the New Mexico Legislature and Governor.

As a condition of employment, employees hired for more than 0.25 FTE are required to contribute to ERB. In general, employees working ten (10) or more hours for more than 30 days are required to participate.

Employees contribute a percentage of their pre-tax earnings, deducted from each payroll check. The College contributes according to the table below. The state legislature determines the rates in subsequent fiscal years.

Effective July 1, 2009, 1.5% of the total pension contributions were shifted to either the employer or employee based on the employee's annual salary for employees earning over \$20,000. [Complete Rate History](#) is available.

Employees may only withdraw their contributions upon termination of employment. The [Request for Refund and/or Roll-Over form](#) is available at this link or in Human Resources.

When am I vested?

Vesting means you have earned five or more years of service credit with the ERB. Service credit with the Public Employees Retirement Association (PERA) does not count toward vesting in the ERB plan. If you are vested, but terminate employment before qualifying for retirement, you may leave your accumulated member contributions with ERB and receive a pension when you satisfy retirement eligibility requirements.

As members of the (ERB), employees are eligible to retire when they meet one of the following criteria as defined by the ERB Handbook:

ERB membership prior to July 1, 2010

- “25 and Out” Earned service credit + allowed service credits = 25
- “Rule of 75” Your age + **earned** service years = 75 or more
- “65 and 5” If you are at least 65 years old and have at least 5 years of **earned** service credit

ERB Membership beginning on or after July 1, 2010 but prior to July 1, 2013

- “30 and Out” Earned service credit + allowed service credits = 30
- “Rule of 80” Your age + **earned** service years = 80 or more
- “67 and 5” If you are at least 67 years old and have at least 5 years of **earned** service credit

ERB Membership beginning on or after July 1, 2013

- “30 and Out” Earned service credit = 30
- “Rule of 80” Your age + **earned** service credits = 80 or more
- “67 and 5” If you are at least 67 years old and have at least 5 or more years of **earned** service credit

Earned service is credit for employment with an administrative unit in New Mexico. Allowed service credit is included in the computation of the member’s retirement benefit and is also included in determining retirement eligibility in the “25 and Out” retirement provision; but is not included in determining retirement eligibility under the “Rule of 75” or “Rule of 80”.

B. Request For Retirement

Employees must notify Human Resources and their supervisors 60 to 90 days before desired retirement date.

The effective date of retirement are the first days of the month following the last month in which salaries are earned. The only exception is if an employee is employed on a nine (9) or ten (10) month contract based on the academic school year. In that case, an employee’s effective date of retirement is set by state statute as July 1 if notification of retirement occurs in May.

To begin the retirement process, employees must complete the [Application for Retirement](#) forms available at this site or in Human Resources and provide documented verification of birth. For more information please see [“Planning for Retirement” handbook](#).

ERB will send the employee the final application and information regarding projected benefits.

C. Re-Employment Of Retirees

Retirees may return to work with ERB-covered employers and earn up to \$15,000 per year or an amount calculated under the 0.25 or less FTE provision, whichever is greater, without affecting their College retirement benefits. Full-time employment with non-ERB-covered employers does not affect College retirement benefits.

The Return to Work (RTW) Program allows all retired ERB members who complete 12-month lay out periods to return to work with ERB employers on a full-time basis and continue to receive their College retirement benefits without penalty. However, members will not receive additional ERB service.

Members do not qualify under the RTW Program if they worked for ERB employers for 0.25 FTE in the last 12 months, worked as independent contractors, or rendered services as paid volunteers.

To enroll in the RTW Program, members submit notarized [Return to Work Program Application](#) directly to the ERB. ERB completes the form by certifying eligibility to participate in the program; members cannot begin work under this program without the completed Certification of Eligibility form.

D. Alternative Retirement Plan

The Alternative Retirement Plan (ARP) is a defined contribution plan. The monthly retirement benefit is based on the amount employees contribute during their San Juan College career. This plan is limited to selected faculty and professional staff positions.

As first-time new hires, eligible employees may elect to participate in alternative retirement plans in lieu of the ERB, provided they have never contributed to the ERB in the past. Employees purchase annuities with TIAA CREF. Three percent (3%) of the employer match goes to the ERB to help pay for the unfunded liability incurred by the plan.

<u>Fiscal Year</u>	<u>Employer Rate</u>	<u>Employer Rate – 3 %</u>	<u>Member Rate</u>
2012	9.15%	6.15%	11.15%
2013	10.90%	7.9%	9.4%
2014	13.15%	10.15%	10.1%
2015	13.09%	10.09%	10.7%

To retire from the Alternative Retirement Plan, contact the TIAA CREF carrier.

7.11 OTHER BENEFITS

A. Direct Deposit

Employees may elect to have their paychecks automatically deposited to their financial institutions. The [Direct Deposit form](#) is also available in Human Resources.

B. Emeritus Faculty

San Juan College will provide certain privileges to emeritus faculty as detailed herein. Emeritus faculty is an honorary title with privileges accorded to retired faculty who have met the criteria for such status.

1. The following requirements shall be met prior to considerations as emeritus faculty:
Emeritus status for faculty is based on two conditions:
 - a. Eligible for retirement under the New Mexico Educational Retirement Act.
 - b. On continuing appointment at the time of retirement.
2. The privileges accorded to the provisions of this subsection of the handbook are listed below:
 - a. Emeritus faculty shall be listed for life as emeritus in the college catalog.
 - b. If requested by the college, the emeritus faculty can serve as substitute instructor, advisor and other appropriate duties as approved by the dean and appropriate vice president within the restrictions imposed by the Educational Retirement Act.
 - c. Other privileges include:
 - Library Services
 - Free admission to college events
 - Receipt of college publications
 - Remission of tuition and fees for retiree and spouse
 - Attendance at College Association meetings and committees as visitors
 - Internet access

G. Employee Assistance Program

The College provides an [Employee Assistance Program](#) (EAP) to assist in the resolution of emotional, psychological, and behavioral issues and problems. Employees and dependents are eligible for four (4) free counseling visits and support service resources each fiscal year. An EAP professional refers employees to the appropriate resources best suited for the specific needs.

1. The EAP is available to employees and all members of their households.
2. Services are confidential.
3. Referrals are available 24 hours a day.

H. Social Security

All employees (with the exception of student employees and certain other temporary and part-time employees) are covered by Social Security. Payment is made by payroll

deductions for [Federal Insurance Contributions Act, \(FICA\)](#). Current rates may be obtained from the Payroll Office.

I. Tuition Waiver

1. Employee Educational Benefit (Credit Class)

Regular employees may have tuition, the general fee, and the student activity fee waived for one class up to four (4) credit hours per semester. Program, course fees and any other related costs are not included in the waiver, and are the responsibility of the employee.

The four (4) credit hours may be used by the employee at New Mexico Highlands University (NMHU) and SJC are subject to the policies and procedures of each school. Unused tuition waivers cannot be accumulated from one semester and used in another semester. Employees must secure written supervisor approval if courses are scheduled during working hours and may be required to make up time.

2. Employee Wellness Benefit (Credit Class)

The waiver does NOT register anyone for class. Employees, retiree and/or a Family Member must register with the Business Office within three days after registering for the class.

3. Family Educational And Wellness Benefits (Credit Class)

A qualified family member (spouse/domestic partner, a dependent child between the ages of 14 and 26) of a benefitted employee is eligible for a tuition waiver for use at San Juan College for up to four (4) credit hours per semester. Employees must be in good financial standing with the College, without a balance of unpaid fees or tuition, to take advantage of the tuition waiver.

An employee may have tuition, the flat fee, and the student activity fee waived for one class up to four (4) credit hours per semester. Program, course fees and any other related costs **are not included in the waiver**.

If employees and qualified family members decide not to finish the courses, they must drop their classes during the posted withdrawal periods. Employees will be responsible for any charges associated with courses dropped after the first day of class.

Qualified family members are also eligible for HHPC memberships. A single-family member may utilize both waivers or two different family members may utilize a waiver each. Proof (marriage certificates, affidavits of domestic partnership, birth certificates, etc.) of family status is required and must be verified by Human Resources.

Regular full-time employees may use 30 minutes a day up to three times a week, not to exceed a total of 90 minutes, for a fitness activity at the HHPC (Health and Human Performance Center) or elsewhere on campus. This time must be used in conjunction with the employee's regular lunch hour upon prior arrangements with

their immediate supervisor. No more than 30 minutes per day can be added to a lunch hour for this purpose. This time can only be used for a fitness activity and cannot be used to extend or add to breaks or sick/annual leave time.

J. Staff Development Philosophy

Professional growth and development and in-service training for all College employees are valuable tools that increase knowledge and develop skills which enhance the development of every employee and improves job performance and efficiency. Employees are expected to realize professional progress through such activities as completion of additional College course work, participation in professional organizations and meetings, seminars, workshops, special study groups, independent study groups, independent study or research, travel, work experience, publishing, private instruction, and leadership in College and civic organizations. The Board is committed and supportive of these and other activities and encourages the administration to provide opportunities for employee development that will, in turn, promote the accomplishment of the College mission.

San Juan College Board Policy #505

The College pays for all or a portion of credential and licensing fees if required as part of the employee's job responsibilities. Requests for fee payment must be approved prior to fee deadlines.

K. Voluntary Benefits

Voluntary Benefits such as Accident, Critical Illness, Universal Life, Legal Services, and Auto/Home Insurance are offered to employees via payroll deductions. Providers may change from year to year. The College does not contribute to the cost of premiums, and employees pay 100%. Informational brochures are available in Human Resources.

CHAPTER 8

PERFORMANCE MANAGEMENT and RECOGNITION

8.00 GENERAL STATEMENT

San Juan College is committed to providing the highest quality service to its external constituent communities and among its internal schools and departments. Performance Management is a continuous process of identifying, evaluating, and developing the performance of individuals and aligning performance with the mission, vision and strategic objectives of the college.

8.01 INDIVIDUALS AND ENTITIES AFFECTED BY THIS PROCESS

Regular full and part-time employees, probationary, and temporary full-time faculty, and their supervisors will participate in this process.

8.02 EXCLUSIONS

This process does not apply to temporary employees, adjuncts, contract providers, and student workers.

8.03 RESPONSIBILITIES

Employees are expected to have all the prerequisite training and experience required for their positions. Employees will participate in developing a goal plan and completing their self-appraisal on an annual basis. Supervisors will conduct an evaluation on all employees directly reporting to them.

8.04 PERFORMANCE MANAGEMENT

A. Goals

1. To align values, vision, and annual priorities throughout the College.
2. To ensure employees apply College values in our professional lives.
3. To ensure faculty and staff are working on critical activities that will allow the College to accomplish its goals and objectives.
4. To increase productivity.
5. To help faculty and staff improve their performance through on-going feedback.

B. Procedure

The performance management processes for regular faculty and staff will be both cooperative and on-going and consist of:

1. An individual goal plan
2. Mid-year review (review job description and goal progression)
3. End of year evaluation (employee self-appraisal and supervisor evaluation)

C. Probationary Employees

Evaluations of probationary employees (including new hires, reclassifications and promotions) shall be conducted on the same forms and in the same manner as other employees.

D. Reassignments

Supervisors (former and new) will coordinate the completion of the reassigned employee's performance evaluation.

Procedures, forms and instructions for the performance management process are available in the Human Resources Office.

E. Evaluation Schedule

The Performance Management Calendar will be available in the Human Resources Office.

F. Appeal Procedure

Employees who wish to appeal performance evaluations may do so by following the employee dispute procedures as noted in Chapter 11 of the handbook.

8.05 RECOGNITION

San Juan College and the San Juan College Foundation provides for the employee recognition program. Opportunities for faculty and staff exemplary performance, awards, and yearly activities support an environment of appreciation for quality work.

A. Service Awards

The College recognizes employees who have worked for the College for a minimum of five (5) years. Employees receive service awards for each five (5) years of employment. Only actual employment on "regular" status counts towards service award length of service.

[San Juan College Board Policy #506](#)

Employees who terminate employment with San Juan College and are later rehired within one year, will not have a break in service years.

Any monetary or gift card awards are considered taxable income for the employees as required by federal tax guidelines.

CHAPTER 9

PROGRESSIVE DISCIPLINE PROCESS

9.00 GENERAL STATEMENT

The College encourages supportive problem solving approaches to disciplinary issues and recognizes that misconduct and performance problems may require disciplinary actions. The College normally attempts to use the progressive discipline process described herein to address misconduct and continued performance problems. Progressive discipline is intended to be corrective, *not* punitive in nature. It is designed to provide employees with notices of problems and opportunities to improve. However, repeated violations, and other violations of policies and procedures may be of such serious nature that immediate suspension or discharge could be appropriate.

Progressive discipline may not be appropriate in all instances. This policy does not bar a supervisor from imposing stronger discipline when violations are of such a serious nature that disciplinary action requires suspension or discharge with the approval of the appropriate Vice-President, or if the employee falls under direct the lines of authority of the President, the Vice-President of Administrative Services.

9.01 INDIVIDUALS AND ENTITIES AFFECTED BY THIS PROCESS

Progressive discipline applies to all regular employees.

9.02 EXCLUSIONS

This process does not apply to probationary or temporary employees. It does not exclude other management tools that may be available.

9.03 RESPONSIBILITIES

Supervisors should exhibit a positive attitude and supportive tone when dealing with performance problems. They will investigate, document and address problems utilizing the progressive discipline process for disciplinary actions and/or counseling. Supervisors will monitor the situation, and should acknowledge and reinforce improvement as it occurs. Employees should read and become familiar with the process, their rights, and take the opportunity to improve work performance and behaviors. For disciplinary measures up to but excluding termination, employees are provided the option of three (3) College work days to submit a rebuttal if they choose to do so. The effective date of disciplinary action will take place after the three (3) day period when an employee chooses the rebuttal option, otherwise, the discipline is effectuated as soon as possible. Supervisors will provide their recommendation for disciplinary action to the appropriate Vice-President, or if the employee falls under direct the lines of authority of the President, the Vice-President of Administrative Services will review the recommended actions and has the final authority for disciplinary action, up to and including termination.

9.04 PURPOSE OF PROGRESSIVE DISCIPLINE

The purpose of progressive discipline is to outline the means by which the College may provide disciplinary actions and/or counseling. This process allows employees reasonable opportunities to

meet job requirements, comply with College policies, procedures, and protocols, and to improve performances and behaviors.

9.05 PROCEDURE AND PROVISIONS

Disciplinary action(s) are arranged in progressive “levels” from 1 to 4, depending on the severity or repeated nature of the offenses. One or more levels may be bypassed, as appropriate based on the facts and circumstances, to include employment termination. The following information is provided as a guide for the process. Human Resources must be consulted prior to any action.

9.06 VIOLATIONS

Unacceptable behaviors include, but are not limited to, non-performance, inappropriate conduct, unacceptable attendance and/or violation of College policies, procedures, and protocols. The examples listed herein are not inclusive and the College is not limited to this list. If situations arise which are not included in the examples, the behaviors are compared with and aligned with similarly listed violations.

The unacceptable behaviors identified typically result in one of the corresponding types. Impact, severity, and intent are considered when determining the appropriate levels of discipline.

Type 1 Violations

1. Excessive tardiness or absenteeism
2. Uncooperative behavior
3. Loitering or loafing during work hours
4. Failure to follow departmental procedures or directions
5. Reckless or careless behavior, i.e. horseplay
6. Failure to meet performance expectations
7. Unauthorized or improper operation of College tools, machinery or equipment(i.e. golf cart, maintenance equipment)
8. Other behaviors that do not conform to the SJC values

Type 2 Violations

1. Making false, vicious or malicious statements concerning any employee, student, the College, or its services
2. Leaving College property during work hours without appropriate approval
3. Failure to follow specific job instructions
4. Gambling on College time.
5. Use or possession of profane, obscene, vile, abusive or degrading language, gestures or images
6. Other behaviors that do not conform to the SJC values

Type 3 Violations

1. Removal of College records or property without appropriate approval
2. Sabotage
3. Insubordination
4. Refusal to meet with supervisor or other agent of College management
5. Sleeping while at work

6. Other behaviors that do not conform to the SJC values

Type 4 Violations

Employees are subject to termination for a first offense of the following list of violations, which includes but is not limited to:

1. Three consecutive no call/no show days or absences from work for regular employees or failure to report for duty without authorization
2. Unauthorized use of College equipment, time, or resources (i.e. [computer](#), telephone)
3. Distribution of printed matter, selling property, soliciting, collecting or accepting contributions on College property, using College resources, or on College time, without specific authorization from immediate supervisor
4. Willful abuse of or deliberate damage to, College property or to the property of other employees
5. Inappropriate disclosure of confidential or privileged information
6. Violation of Board Policy
7. Engaging in bullying behavior as defined by the [Workplace Bullying Protocol](#) and categorized at every violation level.
8. Engaging in outside employment while on College time, or failing to disclose outside employment to supervisor.
9. Gross immorality or any form of sexual contact with a minor;
10. While on property owned or controlled by the College or while attending College related or sponsored activities on or off College property, the employee:
 - a. Assaults an employee, student, or threat of assault;
 - b. Sells, gives, or delivers to another person, or possesses, uses or is under the influence of: A dangerous drug, inhalant, marijuana or controlled substances as defined by New Mexico or federal law,
 - c. Sells, possesses, uses or is under the influence of alcohol or drugs while in the course and scope of employment;
 - d. Engages in behavior that endangers the life, health, or safety of another individual;
 - e. Commits a theft as defined by the New Mexico law;
 - f. Forges or falsifies official College records or forms;
 - g. Possesses an illegal firearm, club, or prohibited weapon as defined under the New Mexico law while on campus;
 - h. Sexual harassment or harassment based upon a protected status;
 - i. Provides false or misleading information on College employment applications;
 - j. An employee is subject to termination if, subsequent to employment, the employee is convicted (to include probated sentences and deferred adjudication) of any felony of any type or kind or of a misdemeanor involving moral turpitude, as defined by College policy or New Mexico statutory or common law. It is the employee's responsibility to report all convictions to the Human Resources department within 3 business days of being convicted.
11. Other behaviors that do not conform to SJC values

9.07 DISCIPLINARY ACTIONS

Disciplinary action is a process for dealing with job-related behavior that does not meet expected and communicated performance standards.

Level 1 Disciplinary Actions: Verbal Warning

This action is in response to Type 1: The immediate supervisors shall:

1. Identify the problematic behaviors and investigate;
2. Meet with the employee and advise them of the inappropriate performance, conduct or behaviors;
3. Allow the employee the opportunity to explain behaviors, and conduct further investigation if necessary;
4. This meeting does not constitute a formal hearing, and is an opportunity for parties to meet and exchange information;
5. Supervisors shall seek guidance from Human Resources prior to taking disciplinary actions to ensure that the actions are consistent, fair and applicable;
6. Inform the employee that the behaviors are violations of College policy and must be corrected;
7. Inform the employee that this is a Level 1 Disciplinary Action, "Verbal Warning" which will be documented and go into his or her personnel file;
8. Advise the employee of the consequences of continued inappropriate behavior or other disciplinary violations;
9. Provide the employee with written guidance and clarification to assist in avoiding escalation of the discipline to a more severe level;
10. Ask the employee if he or she has any questions. Document any questions and answers given;
11. Document the conversation and file it with Human Resources.

Level 2 Disciplinary Action: Written Reprimand

This level of discipline is in response to behaviors which employees failed to correct, has repeated, or is more serious in nature.

Immediate supervisors shall:

1. Identify the problematic behaviors and investigate;
2. Meet with the employee and advise them of the inappropriate performance, conduct or behaviors;
3. Allow the employee the opportunity to explain behaviors, and further investigate if necessary;
4. Supervisors shall seek guidance from Human Resources prior to taking disciplinary actions to ensure that the actions are consistent, fair and applicable;
5. Upon information gathered in the above meeting, the Supervisor will recommend an appropriate action to the appropriate Vice-President or if the employee falls under the direct lines of authority of the President, the Vice-President of Administrative Services, for approval and final action.
6. Inform the employee that this is a Level 2 Disciplinary Action "Written Reprimand"
7. Meet with and request that the employee acknowledge the receipt of the written notice of the unsatisfactory job performance, conduct or behavior. If the employee refuses to sign, document the refusal and note any comments made by the employee;

8. Inform employees that the behaviors are violations and must be corrected and not repeated;
9. Advise the employee of the consequences of continued behavior(s), or other disciplinary violations. The College may accelerate the discipline process, as appropriate;
10. Ask the employee if there are any questions; document any questions and answers given;
11. Provide the employee with guidance and clarification to assist in avoiding escalation of the discipline to more severe levels; and
12. Within two days of written notice, the supervisor shall provide Human Resources with a copy of the discipline record (documents described in this level and any previous discipline administered).

Level 3 Disciplinary Action: Final Written Warning

This level of discipline is in response to behaviors or violations which employees failed to correct, or have repeated, or in response to all Type 3 and 4 violations.

Immediate supervisors shall:

1. Identify the problematic behaviors and investigate;
2. Meet with the employee and advise them of the inappropriate performance, conduct or behaviors;
3. Allow the employee the opportunity to explain behaviors, and further investigate if necessary;
4. Seek guidance from Human Resources prior to taking disciplinary actions to ensure that the actions are consistent, fair and applicable;
5. Upon information gathered in the above meeting, the Supervisor will recommend an appropriate action to the appropriate Vice-President or if the employee falls under the direct lines of authority of the President, the Vice-President of Administrative Services, for approval and final action.
6. Consider whether the behaviors warrant unpaid suspension. Days of suspension will be served consecutively. If suspension is recommended, the supervisor shall provide Human Resources with written information to support suspension for final approval before action is taken;
7. Meet with and request that the employee acknowledge the receipt of the written notice of the unsatisfactory job performance, conduct or behaviors. The document will also notify the employee of his/her right to appeal the action, under the rules described in the appeals chapter (Reference Chapter 11 Employee Relations).
8. If the employee refuses to sign, document the refusal and note any comments made by the employee;
9. Inform the employee that the behaviors are violations and must be corrected and not repeated;
10. Inform the employee that this is a "Final Written Warning";
11. Advise the employee of the consequences of continued behavior(s), or other disciplinary violations. The College may accelerate the discipline process, as appropriate;

12. Ask the employee if there are any questions and document any questions and answers given;
13. Provide the employee with guidance and clarification to assist in avoiding escalation of the discipline to more severe steps; and
14. Within two days of written notice, the supervisor shall provide Human Resources with copy of the discipline record (documents described in this step and any previous discipline administered).

Level 4 Disciplinary Action: Termination

This level of discipline is in response to behaviors which employees failed to correct, ~~or~~ have repeated, or are of a grave and serious nature. Terminations for cause are not eligible for rehire. To determine eligibility for rehire review the [Eligibility for Rehire Protocol](#).

Immediate supervisors shall:

1. Identify the problematic behaviors and investigate;
2. Meet with the employee and advise them of the inappropriate performance, conduct or behaviors;
3. Allow the employee the opportunity to explain behaviors, and further investigate if necessary. Seek guidance from Human Resources prior to taking disciplinary actions including immediate suspension pending completion of the investigation under section 11.07 to ensure that the actions are consistent, fair and applicable;
4. Provide Human Resources with written information to support the violation before action is taken;
5. Provide their recommendation for disciplinary action to their appropriate Vice-President or if the employee falls under the direct lines of authority of the President, the Vice-President of Administrative Services, who will review the recommended actions and determine the appropriate disciplinary action. The SJC Board is informed of terminations in closed sessions;
6. Inform the employee that his or her behavior(s) has/have violated College policy and/or the Employee Handbook, resulting in the termination of his or her employment;
7. Ask the employee if there are any questions; document any questions and answers given;
8. Meet with the employee, provide them with a termination letter for their signature, and inform the employee of his/her right to appeal the termination under Section 10.16 of the Employee Handbook.
9. If the employee refuses to sign the letter of termination, document the refusal and note any comments made by the employee; and
10. Within two days of written notice, provide Human Resources with a copy of the discipline record (documents described in this level and any previous discipline administered).

9.08 SUSPENSIONS WITHOUT PAY

Depending upon the seriousness of the infractions, an employee may be suspended without pay in full-day increments consistent with federal, state and local wage-and-hour employment laws.

Suspensions range from one (1) College work day up to 15 College work days, depending on the seriousness of the infractions. Supervisors must inform employees, in writing, that the suspensions are disciplinary actions and that discharge might ultimately take place.

Suspensions are subject to approval from the Human Resources Director, and the appropriate Vice-President, or if the employee falls under the direct lines of authority of the President, the Vice-President of Administrative Services.

9.09 PROCEDURES FOR THE ESCALATION OF DISCIPLINE TO NEXT STEP

Employees who violate separate provisions of this procedure are subject to escalation to the next disciplinary action level, as appropriate. It is not required that any subsequent level pertain to the same or similar offenses for which any prior levels were issued.

- The College may or may not consider other violations depending on the time of the last violation or whether it is a repeatable violation and the employee's overall performance since the last violation.
- Human Resources shall be consulted prior to the discipline being issued.
- Human Resources shall review the disciplinary documents prior to being issued to the employees.

9.10 RECORDS

It is the intent that documentation generated under this policy will be placed in the employee personnel file. Both the supervisor and employee will sign all letters of corrective and disciplinary actions to ensure compliance with this rule. An employee has the right to have his or her rebuttal regarding any disciplinary actions or violations filed in his or her personnel file.

If disciplinary actions are rescinded as a result of the appeal process, documents and records pertaining to that incident will be removed from the employee's file.

CHAPTER 10

SEPARATION OF EMPLOYMENT

10.00 GENERAL STATEMENT

The policies, procedures and protocol for recognizing and processing each type of separation of employment are outlined in this chapter. This policy also describes the re-employment and benefit rights of employees being laid off.

10.01 INDIVIDUALS AND ENTITIES AFFECTED BY THIS PROCESS

- A. Regular full and part-time employees, including faculty, professional staff, and support staff.

- B. Probationary and temporary employees as specified within this chapter.

10.02 EXCLUSIONS

Conditional and temporary employees are considered at-will employees. They are not subject to a probationary period, and have no expectation of continued employment.

10.03 RESPONSIBILITIES

Employees provide written notice of resignation as specified within this chapter. Supervisors will follow the procedures specified below for employment separations.

10.04 TYPES OF SEPARATION

- Resignation
- Death
- Discharge
- Non-Renewal of Contract
- Reduction in Force
- Release (Temporary Employees Only)
- Relieved of Duty (Probationary Employees)
- Retire

10.05 RESIGNATIONS

All employees shall provide notice of their resignations to their supervisor and to Human Resources. In the event the employee does not submit their resignation to Human Resources, the supervisor shall notify Human Resources within one business day.

Faculty and professional employees who voluntarily resign from the College must provide a minimum of 30 days written notice. All other employees shall provide the College with a two (2) week notice of resignation.

Employees will be considered ineligible for rehire and will be ineligible to receive a payout of any accumulated vacation leave when providing written notice less than the minimum time period required for voluntary resignation.

A letter of resignation should include the employee's name, title, last dates of employment, reasons for leaving, and the employee's signature.

Employees and supervisors shall complete the [Separation of Employment Form](#). The Employee shall contact Human Resources to schedule an exit interview. The Employment [Separation Sign-Off Form](#) and [Exit Interview Questionnaire](#) must be completed prior to the exit interview.

Faculty Eligibility for Continuation of Medical Benefits

Nine and ten month faculty who voluntarily resign from the College shall provide written notice of their resignation to their Dean and Human Resources no later than May 15th. Only faculty who have completed their duty days for the academic year, and who provide notice by May 15th are eligible to receive continuing medical benefits in the months of June, July and August following their resignation.

10.06 CONSECUTIVE UNAUTHORIZED ABSENCES

Employees who are absent for three (3) consecutive working days on unauthorized leave are considered to have resigned. Supervisors must immediately notify the Human Resources Director in writing and provide all pertinent information including: last days worked, when last contacted by the employees, and final timesheets as appropriate. Work days are considered consecutive even when broken by normal non-working days such as holidays or weekends.

10.07 FAILURE TO RETURN TO WORK FOLLOWING APPROVED LEAVE

Employees who fail to return to work following authorized leave of three (3) days are considered to have resigned.

10.08 WALK OFF THE JOB

Employees who walk off the job without approval during assigned work hours are considered to have resigned. Supervisors must immediately notify the Human Resources Director in writing explaining all details surrounding the events and final timesheets.

10.09 DEATH

Upon the death of an employee, supervisors must immediately notify Human Resources. Human Resources will assist the next of kin in completing forms, filing insurance claims, etc.

10.10 DISCHARGE – PROGRESSIVE DISCIPLINE

Reference Chapter 9 Progressive Discipline

10.11 NON-RENEWAL OF CONTRACT

Administrative, professional and support staff employees may be non-renewed without cause with 30 days written notice prior to the end of the current contracted year. The College will notify faculty members of its' intent to not renew their contracts by March 1 of each year. Any nonrenewal under this section must have prior approval of the appropriate Vice-President, or if the employee falls under the lines of direct authority of the President, the Vice-President for Administrative Services.

10.12 REDUCTION IN FORCE

A. General Provisions

Employees of San Juan College may be subject to reduction in force based on lack of work, declining enrollment, institutional income factors, termination of funding for a grant-funded program, reorganization, or any combination of these or other factors. The College's Board recognizes that the College, within these policies and procedures, may be required to curtail or delete certain programs at the same time that other programs are being retained, expanded, or added, depending upon educational requirements. The programs and services most necessary to meet the educational needs of the students and community, consistent with the College's established priorities and objectives, are of the highest priority when reduction in force is considered.

The College's Board delegates the President to determine the program areas affected by reductions in force and the administrative procedures followed.

San Juan College Board Policy #502

B. Philosophy

Every effort will be made to retain qualified and productive employees in situations where reduction in force becomes necessary. In cases (other than financial exigency or non-renewal of restricted/grant funded contracts) where immediate termination may be necessary, employees affected by impending reduction in force may be given assistance in the following ways:

1. Priority in placement (involuntary transfers) in similar jobs when vacancies occur.
2. Cross-training in other areas where vacancies are anticipated.
3. Where possible, delay of the reduction in force until natural attrition occurs, i.e., pending retirements or resignations.

C. Criteria For Reduction In Force of Faculty and Staff

When the President determines that reductions in force, termination, or involuntary transfers are necessary, such determination is based upon the College's needs. Employees' acquired knowledge, demonstrated skills, and versatility are considered with regard to institutional needs, open positions, and available funding. Normally, faculty and staff reductions in force are satisfied by normal attrition such as retirements and resignations.

The President may, in the President's sole discretion, reassign affected faculty and staff members into other functional areas for which the person is qualified.

D. Notice of Reduction in Force

If reductions in force become necessary, the President notifies the College Board, faculty and staff of the impending actions setting forth the conditions requiring action. These notices state the reasons for the reductions in force, and notify affected employees of the effective dates of reductions in force.

1. Reduction in Force of Faculty

Notice of termination due to reduction in force will be given as early as is and no later than March 1 of the contract year in which it is necessary for such reduction in force to take effect.

2. Reductions in Force of Staff

Employees affected by reductions in force are provided at least thirty (30) days written notice prior to termination.—Employees subject to a Reduction in Force are eligible for COBRA benefits as described in the Employee Handbook.

E. Grievances/Appeal Procedures

All employees affected by reduction in force may appeal the decisions through the employee appeal procedures for termination as outlined in this handbook.

F. Financial Exigency

The President determines the conditions of financial urgency (exigency), which would require a reduction in force. In the case of financial emergency, some of the above stipulations may be waived.

10.13 RELEASE OF TEMPORARY EMPLOYEES

Employees hired as hourly, seasonal, emergency, student, or on a temporary status may be dismissed at any time without cause. Supervisors must give at least a 24 hour written notice to the employee and immediately provide written notice and final timesheets to Human Resources to allow proper final payroll processes. Final paychecks will be made available within five (5) working days of termination date.

Temporary employees do not have the right to appeal separation decisions.

10.14 RELIEVED OF DUTY - PROBATIONARY EMPLOYEE

Probationary employees may be relieved of duty during their initial probationary period. Administrative, professional, and support staff serve a one (1) year probationary period, and Faculty serve a three (3) year probationary period.

During the initial probationary period, supervisors monitor new employees' performances. Should problems develop, the supervisor should counsel the employee and provide written notification to

the employee and to Human Resources to correct performance or conduct. The supervisor ~~must~~ should seek guidance from Human Resources prior to providing written notice to the employee.

As is the case with non-Probationary employees, documentation of disciplinary actions must be submitted to Human Resources. Supervisors shall provide their recommendation for release of duty of a probationary employee to their appropriate Vice-President, or if an employee falls under the lines of direct authority of the College President, the Vice-President for Administrative Services, who will review the recommended action and must approve of the probationary employee's release from duty.

Probationary employees **do not have the right to appeal separation decisions.**

10.15 RETIRE

Employees wishing to retire from San Juan College should notify their supervisor, Human Resources, the appropriate Vice-President, or when under the lines of direct authority of the College President, the College President, at least three (3) months prior to the desired retirement dates to be eligible for a timely ERB process. (Reference Chapter 7 Benefits)

Upon application for retirement, employees receive written notice that separation of employment due to retirement has been accepted. Once received, this notice upholds the retirement notification and employees cannot rescind the action.

10.16 APPEAL PROCEDURE FOR DISCIPLINARY DISMISSAL

An employee terminated for cause may appeal and request an impartial and formal examination of issues surrounding the termination.

In the event the Respondent is a Vice-President, for the purposes of this section, where the Appeal procedure states Vice-President, the duties of the Vice-President under this policy will be performed by the President, or the President's designee.

In the event the Respondent falls under the direct line of authority of the President, for the purposes of this section, the Vice-President of Administrative Service shall serve as the appropriate Vice-President, with the exception of Appeal Step 7 that provides for an appeal to the President.

A. HEARING PANEL

All such appeals are handled by an internal hearing panel comprised of five (5) College employees as determined by the appropriate Vice-President or designee at the time of the hearings. The hearing panel has jurisdiction over terminations for cause. The employee may challenge one panel membership; however, the Vice-President or designee has sole discretion to accept or reject the panel member in question.

B. APPEAL PROCEDURE

The following steps detail the appeal procedure. The hearing panel has the authority to extend the time limits for any of the steps.

Appeal Step 1

If an employee believes he/she has been unfairly treated by the College's termination process, the employee may submit a written appeal to the appropriate Vice President, requesting a hearing panel. The written appeal must contain all pertinent facts and documentation related to the appeal and include a proposed resolution. The appeal must be filed within five (5) College work days of the date that the final notice of termination was received by the employee.

Appeal Step 2

The appropriate Vice President or designee appoints the hearing panel and chairperson within ten (10) College work days of receiving the written request.

Appeal Step 3

Within ten (10) College work days after the chairperson receives the written appeal, he/she reviews the appeal to ensure it contains the required information as detailed in Step 1. If incomplete, the chairperson returns the appeal to the appellant for correction. Once complete, the chairperson provides the respondent with a copy of the appeal and any relevant documentation. Any documentation the respondent provides to the chairperson, must also be provided to the appellant within five (5) College work days of receipt.

Appeal Step 4

Within twenty-five (25) College work days following the receipt of a complete written appeal, the chairperson convenes the hearing. Only evidence relevant to the specific termination issues will be heard.

Appeal Step 5

The appeal hearing is closed to the public. The College and the employee are entitled to have a representative of their own choosing for counsel and support present during the hearings, but the representatives are prohibited from speaking during the grievance or appeal proceeding and may not address the hearing panel or question witnesses. Representatives who become disruptive or who do not abide by these restrictions will be removed and dismissed from the proceeding. Participants include the members of the hearing panel, the appellant, respondent, and their representatives. Witnesses may be called as necessary. A tape recording of the proceeding is kept on file in the Human Resources office for one year. The hearings schedule/agenda is as follows:

- Respondent present reasons for terminations
- Appellant present responses
- Both parties may present brief summations

Appeal Step 6

After the close of the hearing, the panel members vote by secret ballot as to whether the termination of the employee should be upheld and submit their ballot to the chairperson within ten (10) working days. The panel will issue a written document containing the recommendation of the panel regarding the appeal. Copies of the recommendations are provided to both parties and forwarded to the President for a final decision. Dissenting panel members may submit alternative written recommendations.

Appeal Step 7

The San Juan College President or their designee will review the written materials, the recording of the hearing, and the panel's recommendation(s) and render a final decision. The decision of the President is final and binding and not subject to further appeal or review within the institution.

An employee appealing a termination, as well as the College's representatives, are responsible for their own evidence. Evidence can be in the form of documents, witnesses, or other materials.

CHAPTER 11

EMPLOYEE RELATIONS PROCEDURES

11.00 GENERAL STATEMENT

The following procedures provide employees a process to discuss their informal and formal complaints or disputes with other employees, as well as a process for making a complaint with regard to a policy, procedure, regulation or disciplinary action.

11.01 INFORMAL COMPLAINT

Informal complaint is a concern raised by an employee about a behavior or attitude of another employee, including relationships with colleagues and/or supervisor, communication, and work conditions. Employees are encouraged to initially attempt to resolve complaints informally by discussing the concern with the respondent. If they are uncomfortable with such a discussion, the employee can make the complaint with their immediate supervisor or with Human Resources. Employees with complaints involving their immediate supervisor should proceed to the next level supervisor, if unable to resolve directly. The supervisor shall document the concern. This informal complaint process does not require formal documents to be filed with Human Resources.

Mediation or other resources may be available to assist in resolving informal complaints. Any informal complaint may become a formal complaint at any time by the complainant. Contact the Human Resources Office for more information.

11.02 FORMAL COMPLAINT

Employees who have attempted to resolve a complaint informally by proceeding through the chain of command, but for whom a complaint remains unresolved, may contact Human Resources to file a formal complaint. There are three options to file a formal complaint:

- A. Complete the [Employee Complaint Form](#) and email to Employee Relations at employeerelationscomplaints@sanjuancollege.edu.
- B. Call Employee Relations at (505) 566-3515.
- C. Visit Employee Relations located at the Educational Services Building on the 2nd Floor in Human Resources. Complaint forms are also available in the Human Resources Office.

Questions concerning these procedures should be directed to the Human Resources Office.

11.03 IMPROPER REPORT

A person who is malicious or intentionally dishonest in reporting a violation is subject to disciplinary action up to and including termination.

11.04 COMPLAINT PROCEDURE

The following procedures apply if disagreements arise between College staff members over the declaration, interpretation or application of policies, rules, regulations or procedures. Employees may contact Human Resources and file a formal complaint in accordance with this procedure.

Dispute Step 1

When a staff member believes he/she has been adversely affected by misapplication of a rule, regulation, policy or procedure, he/she should discuss with the immediate supervisor. The dispute should be discussed in a timely and constructive manner.

Dispute Step 2

In the event that informal discussion in Step 1 does not resolve the problem, the staff member identifies that he/she has begun the formal dispute process in writing to the immediate supervisor, and confers with the second level supervisor/manager or vice president within five (5) College work days following Step 1. When the supervisor is the Vice-President, proceed to Dispute Step 3.

Dispute Step 3

Should the problem not be resolved by discussion in Steps 1 and 2, a written formal appeal should be sent to the appropriate Vice-President. The Vice-President has ten (10) College work days to answer the written appeal with a decision. When the Vice-President is not part of the supervisory level, proceed to Dispute Step 4.

Dispute Step 4

In the event that Steps 1, 2, and 3 do not bring resolution to the dispute, all written materials may be submitted to the College President or assigned designee. The decision of the College President is binding and final. The president has ten (10) College work days after receipt of materials to render a final decision.

11.05 DISPUTE RESOLUTION

The President by reason of position is exempt from this procedure; nor does this procedure apply to the interpretation or application of the SJC Labor Management Relations Resolution. The appropriate Vice President and HR Director have the authority to extend the time limits for any steps in the procedure.

11.06 INTERNAL INVESTIGATIONS

The College reserves the right to conduct internal investigations regarding College business-related matters including, but not limited to: theft of College property, misuse of College property, and violation of employee conduct standards. The method of investigation may include employee interviews, workplace searches, electronic monitoring and surveillance. The College reserves the right to inspect any employee's workspace(s), work materials and electronic equipment owned by the College at any time without notice. Failure to cooperate in these investigations may result in disciplinary actions.

11.07 IMMEDIATE SUSPENSION WITH PAY PENDING INVESTIGATION

Occasions may arise when it is necessary to protect the integrity of an investigation, or when it is in the best interests of the College and the employee, that temporary removal of the employee from the workplace is appropriate, in which case the employee will be placed on administrative leave with pay.

Suspensions are subject to approval from the Director of Human Resources, and the appropriate Vice-President, or when an employee falls under the direct lines of authority of the President, the Vice-President for Administrative Services.

CHAPTER 12 FACULTY

****This Chapter is currently under revision****

CURRICULUM AND INSTRUCTION

A. Statement of Guiding Principles

San Juan College, as a comprehensive community college, subscribes to the philosophy that all students shall be given the opportunity to develop to the maximum of their capabilities. The major goal of the institution is to provide a flexible educational environment that will meet the needs of those who desire a liberal arts or pre-professional education, those who desire additional education for purposes of enrichment, and those who desire specialized occupational education, retraining, and/or improvement of skills or knowledge.

Multiple programs, as well as a varied curriculum, shall be offered which best meets the needs of a heterogeneous clientele, their abilities, interest and goals.

B. General Organization

1. School Year

The Vice President for Learning and the Vice President for Student Services will recommend a calendar for each school year. This calendar will relate to the academic affairs of the institution. Final approval of the academic calendar is made by the president.

The Vice President for Learning and the Vice President for Student Services and their designees will develop a calendar for extra-curricular activities and submit the calendar to the president for approval.

C. Curriculum and Instruction

1. Curriculum Development and Revision

All programs of San Juan will be assessed on a regular basis to assure that the offered courses and programs meet the needs of the community, transfer institutions, and students. Faculty leadership in curriculum development is essential. The president will work with the Vice President for Learning to implement faculty-led procedures to facilitate thorough and timely curriculum development activities and related documentation.

[San Juan College Board Policy #602](#)

2. Criteria for Course Creation

The college may create adult education, evening college, or community service courses, whether credit or non-credit, when there is an apparent need for it in the community,

when the course is primarily educational, when qualified instructors and funds are available, and when adequate enrollment is likely. Under unusual circumstances (for example, acute community needs, initiation of new programs) some latitude in class size shall be allowed. All proposed new academic programs will be developed and put forward for board approval using the College Program Approval Process. This process is outlined on the IAC Program Bank Action Sheet found on the Employee Intranet under Academic Resources.

3. Course and Program Evaluation

The college has a system in place to evaluate its programs according to relevant enrollment, student achievement, placement statistics, and the criteria as listed above. A course or program may be discontinued when it ceases to meet all applicable criteria.

4. Course and Program Excellence

The college shall strive to achieve and maintain excellence in all of its courses and programs. Further, the college encourages faculty to keep relevant and current in their disciplines, as well as promote the research and development of creative and imaginative educational programs. Real life experiences, field trips, and similar activities as part of a course or program are perceived as adding to the relevance and excellence of the program, and are, therefore, encouraged.

5. Instructional Methodology

Creating alternative means of delivering instruction is also encouraged, particularly in view of the diversity of San Juan College students. Electronic techniques, self-paced instruction, and other innovative methodologies are seen as key in the expansion of instructional delivery for the college's service area.

6. Course Syllabi

Course syllabi shall be prepared for all courses listed in the college catalog. The syllabi shall be updated continually and copies kept on file in the library, in the office of the Vice President for Learning and in school offices. The template for course syllabi is available on the SJC Website, as well as in the appendix of this handbook.

D. Educational Texts and Materials

It shall be the responsibility of each instructor to submit to the appropriate school dean a list of recommended texts and instructional material for use in the instructional program. Any changes in approved texts must be approved by the Vice President for Learning. Instructors are responsible for submitting a list of materials and supplies needed for the next school year to the appropriate dean and the Vice President for Learning at the end of each spring semester.

E. Textbook Adoption Guidelines

1. General Guidelines:

Recommended minimum length to keep a textbook is **3 years**. The primary rationale for this is to keep costs down for students. It also helps alleviate the intensive labor to operate the bookstore.

- a. If a publisher changes to a new edition, instructors may switch to the new edition.
- b. Check with the publisher when a new edition is expected to avoid switching to another text that will be replaced shortly with the new edition.
- c. When changing to a new text, make sure it is consistent with the prerequisite reading course.
- d. All instructors should use the textbook(s) that is adopted.
- e. Whenever possible, use major publishers. Big publishing houses can take back books, whereas some obscure ones cannot.
- f. To determine the actual cost of a textbook for students, multiply the publishers cost by 1.25, or call the bookstore.
- g. Follow the same guidelines for custom-published books (e.g., try to keep it for at least 3 years).
- h. Avoid purchasing bundled (shrink-wrapped) packages.
 - If students want to get a full refund, all books in the bundle must be unmarked and in excellent conditions; CDs must be unopened. To get full used-book price, all items in the bundle must be returned. Tell your students to save everything in the bundle. **Note:** Marking in the textbook will not affect the buy-back price; however, if answers are written in the text, the bookstore cannot take the book back.
 - Sometimes publishers will bundle your textbook without your consent. Check with the publisher.
- i. Avoid using experimental or “pilot” texts.
- j. Leftover self-made packets will be charged to the department if they are not going to be used again.
- k. Some teachers require specific books, such as novels, for their particular class. Even with these books, buy-backs can be a problem; therefore, follow the same guidelines above.
- l. If you are not going to use a particular text, don’t require it.
- m. Before the start of each semester, check to see if your books are on the shelf.
- n. Keep in mind that the bookstore has a 25% markup on books. Much of this is used for shipping costs. Selling books is a break-even venture.
- o. Follow bookstore deadlines for ordering books.
- p. See the bookstore manager for special situations.
- q. Consider taking a workshop through the School of Humanities and the Center for Teaching Excellence. In this workshop you will learn the following:

- Readability Formulas: How to determine the grade level of your textbook.
- Unfriendly Texts: What makes textbooks unfriendly
- Friendly Texts: What makes textbooks user-friendly
- Checklists: A qualitative check list of textbook traits that helps assess user-friendliness.
- Cloze Procedure: A practical method used with your students to determine text difficulty.
- Maze Procedure: A variation of Cloze Procedure.

2. Miscellaneous Guidelines

- a. You may not receive money from publishers to use their books.
- b. Authors may use their own textbooks as long as it has been approved by the department's guidelines for adopting a text.

3. Process for Selecting a Textbook

Textbook selecting and adopting should proceed at the discretion of each department with the approval of the respective dean. Before a department arrives at a decision, it must take into account the College's General and Miscellaneous Guidelines. Department guidelines should be in writing.

F. Class Organization

1. Syllabus

A syllabus is required for each course taught at San Juan College and is due in the Vice President for Learning's office no later than the end of the third class session. The syllabus should clearly indicate what the student must do in the course, the attendance requirements, and any other course requirements. When students know clearly what is expected of them and can measure their weekly progress toward these goals, a much higher rate of success results. Students who are unable to meet requirements are able to drop the course before the mid-term deadline and not jeopardize their ability to enroll at San Juan College at a later date. Syllabi are to be given to students the first day a class meets.

The syllabus will follow a standard format as prescribed by the Instructional Affairs Council and approved by the Vice President for Learning (available on the website and in the appendix).

2. Scheduling of Events

Use of other than the assigned classroom during times listed in the class schedule must be cleared with the Event Scheduling Coordinator.

G. Academic Honesty

San Juan College believes that the basis for personal and academic development is honesty. Personal commitment, honest work, and honest achievement are necessary characteristics for an educated person. In order to help the students, staff, and faculty of San Juan College maintain academic honesty, it is necessary to establish academic honesty rules. These rules will govern the procedures and consequences associated with academic dishonesty and will serve as an educational tool, outlining what is academically dishonest conduct. It is the individual responsibility of each student, faculty member, and administrator to read and understand these rules. It should be further understood that ignorance of what constitutes academic dishonesty in no way absolves guilt from an act which lacks academic integrity.

For the rules, definitions for several types of academic dishonesty and the process by which cases of academic dishonesty are reported and adjudicated, see [Student Handbook](#) pages 15-17.

H. Student Progress Reports

Periodic reports on student progress at San Juan College may be requested and scheduled by administrators. The form and method of reporting shall be developed in cooperation with the instructor and appropriate administrator.

I. Dismissal of Classes

Classes are not dismissed, postponed or cancelled without prior approval of the appropriate School Dean and the Vice President for Learning.

J. Institutional Review Board

Institutions engaged in research must establish an Institutional Review Board (IRB) to review and approve research involving human subjects performed at its facility. Before any human subject research can be conducted, the institution must provide the Department of Health and Human Services or other agency a written assurance that it will comply with the requirements of the Federal Policy. San Juan College has received a Federal Wide Assurance and has an active IRB registered with the Department of Health and Human Services.

An IRB is responsible to protect the rights and welfare of human research subjects recruited to participate in research activities conducted under the auspices of the college. The actions of the IRB may also protect the college and the principle investigator. All IRB members receive human subject assurance training. The IRB has the authority to approve, require modifications in, or disapprove research activities that fall within both federal and local regulations and policy.

San Juan College has written procedures and guidelines for persons that perform [research](#) or contact the Office of Institutional Research and Planning extension 3035. All applications

and files will be maintained in the Office of Institutional Research and Planning as a requirement of our assurance.

K. Smoking, Eating, and Beverages in Classrooms, Laboratories, and other Areas

Smoking, food, and beverages are prohibited in all classrooms, laboratories, gymnasium activity areas, conference rooms, and in all other areas so designated.

Faculty and staff are responsible for enforcement of this rule in all classrooms, all laboratories, gymnasium activity areas, conference rooms, and all other areas so designated.

GRADING SYSTEM

A. Grading and Scholastic Standing

Philosophy:

The task of evaluating academic performance is extremely important. Although letter grades are not precise yardsticks for indicating levels of academic performance, the assignment of grades must be taken seriously by all instructional personnel, in view of the extremely important consequences that grades have in the lives and goals of the students. Despite this emphasis on grades, it is even more important that instructors not lose site of the more important goals of evaluation – emphasizing an attitude toward lifelong learning and determining whether students actually reach the predetermined objectives of the curricula.

Since the goals of the college are the maximizing of learning and skills among students, rather than a sorting out of individuals by grade determination, the college encourages the staff to discuss and evaluate different philosophies of grading and to recommend policies or procedures which are likely to improve the motivation of students toward the intrinsic rewards of learning and to stimulate a better atmosphere for learning in the college.

B. System of Grading:

The grading system that is currently being used by the college is the “A” through “F” system, with some special designations that are equivalent. Grades assigned should reflect the quality of work done in courses for credit. Grades indicating the standing of students for each course taken are issued at the end of each semester. Complete descriptions of grades offered, as well as an explanation of various withdrawal formats and course options, are listed in the San Juan College Catalog.

C. Grade Appeals:

An **appeals process** is available for students wishing to appeal an assigned grade. Faculty and program directors will adhere to the final decision at the conclusion of any grade appeal.

D. Scholastic Standing:

A system of recognizing scholastic standing has been instituted at the college to include recognition of honor for academic achievement, as well as an identification of those having academic difficulty through a system of probation and suspension. More specific procedures for the classification of probation and suspension, as well as the removal provisions from such probation and suspension, are listed in the college catalog.

E. Credit Hour Load:

The normal load for a full-time college student who plans to graduate in two years is 15 to 17 credit hours per semester; however, in order for a student to maintain full-time status, he/she must enroll in and complete a minimum of 12 credit hours. An overload is more than 18 credit hours per semester.

F. Attendance in Class:

It is the college's philosophy that student success is dependent upon time-on-task. Therefore, students are expected to regularly attend all classes for which they are registered. Valid reasons for missing classes do not relieve the student of making up any missed work. Any instruction missed and not subsequently completed will necessarily affect the grade of the student, regardless of the reason for absence. Only enrolled students, for credit, non-credit, or audit, are permitted to attend classes. A student who has officially withdrawn from a course may continue to attend the course with the permission of the instructor for the remainder of the semester.

G. Grades: Grading System

The following grades, expressed in letters, are used at San Juan College:

A	– For excellent work	4 points per credit hour
B	– For better than average work	3 points per credit hour
C	– For average work	2 points per credit hour
D	– For below average work	1 point per credit hour
F	– For failing work	0 points per credit hour
X	– For failing work when student stops attending	0 points per credit hour
W	– For official student withdrawal	0 points per credit hour
S	– For satisfactory work under SU Option	0 points per credit hour
U	– For unsatisfactory work under SU Option	0 points per credit hour
I	– For incomplete work	0 points per credit hour
AW	– Administrative withdrawal	0 points per credit hour
AU	– Audit option work	0 points per credit hour
RR	– Re-register in the course	0 points per credit hour
CR	– Credit authorized, but no letter grade assigned	0 points per credit hour
CE	– Credit by examination	0 points per credit hour
NC	– No credit earned	0 points per credit hour
NR	– Grade not reported	0 points per credit hour

H. Definition of Grade Options:

The following grade options are used at San Juan College:

I – Any student graded with an “Incomplete” must have an Incomplete “I” Grade Assignment Form submitted with the grade sheet. A pending file record of all current “I” grades assigned will be maintained in the Student Records Office for easy reference by instructors.

AU – If the student requested the audit option at the time of registration, an “AU” will appear in the grade column on the grade sheet.

W – If the student officially withdrew from the course, a “W” will appear in the grade column on the grade sheet. If the student did not officially withdraw from the course, a grade must be provided by the instructor.

RR – The grade of “RR” (reregister) is given to a student in a developmental level course (begins with 0) who has completed the course, has made progress but has not met the required course outcomes and is not able to successfully advance to the next level. This grade does not impact a student’s GPA; however, it will affect the satisfactory progress requirements for financial aid. An RR can be given only once in any given course.

SU – If the student registered for the “SU” option at the time of registration, a grade of “S” or “U” must be given.

CE – A student can challenge by examination any course in which credit has not been previously earned except an independent course study.

X – The X grade is essentially like an F, resulting from a lack of attendance. It allows instructors to distinguish between students who failed because of poor or non-attendance and students who failed as a result of doing failing work (or students who show but don’t do enough work). The X grade has the same effect on GPA, academic suspension, probation, etc., as the F grade. However, it will not be calculated in a class’s overall GPA or success rate (those who passed with a C or better).

The X grade will be assigned in the following circumstances: For students who failed because of non-completion of work as a result of not attending or “stopping out”. (This does not include students who qualify for an incomplete.) The cut-off date will be determined by the Vice President for Student Services, Vice President for Learning, Registrar, and Director of Financial Aid. The cut-off date will be published in all relevant college materials and publications. If students stop attending after this date, grades are based on instructor criteria. Specific detailed procedures will be developed and distributed through appropriate communication tools.

I. Grade Reporting:

1. The Student Records Office will offer Web grading for faculty to enter grades electronically. All faculty are encouraged to use this option; however, the Records Office will still issue an official grade sheet form to instructors of record for each course authorized on the course schedule which carries course credit. These grade sheets will be issued 10 days prior to the last day of instruction accompanied by a description of grades and grade options and a form letter. Grade sheets must be returned no later than **4 PM** on the work day following the last day of instruction.
2. Grades are available immediately via the Web. The Office of the Registrar **no longer** mails a record of the grades and credits to the student at the end of each regular semester and summer session unless a request is completed prior to the end of the semester.
3. In computing the overall grade-point average, the total of credits in which the grades of A, B, C, D, F, or X have been assigned is divided into the total number of grade points earned. Courses for which only credit, but no letter grade is given, and courses in which an S or RR grade is earned may be counted toward graduation but are not computed in the grade-points earned.
4. A prerequisite is a class required prior to taking a particular course.
5. Grade reports will only be issued when requested in writing by the student using the "Request for Unofficial Transcript-Grades".

NOTE: There are no provisions for assignment of grades other than those specified above.

J. Assignment of I Grades:

The grade of "I" (incomplete) is given for passing work which could not be completed during the semester due to circumstances beyond the student's control. The assignment of an "I" grade can only be done by the course instructor at the time final grades are due. The Incomplete Grade (I) Assignment Form will be used to document the reason for the I grade assignment and the requirements for removal. This information must be specific and cannot include the requirement to enroll in the course again. Copies of the form should be routed by the appropriate dean's office.

In no case is an "I" grade to be used to avoid assignment of "D" or "F" grades for marginal or failing work or to require a student to enroll in the class in the next semester because work was not completed on time. Circumstances warranting the issuance of an "I" grade must be beyond the student's control and must be documented prior to approval.

K. Removal of I Grades:

The instructor completes the Incomplete Grade (I) Removal Form to document the removal of his/her "I" grade and assignment of a letter grade. Copies of the form will be placed in the student's permanent record.

Removal of the "I" grade can only be completed as follows:

1. “I” grades can be removed only during the subsequent 12 month period from the date of issue.
2. Removal of an “I” is accomplished by completing the work in a manner acceptable to the instructor.
3. An “I” not made up within one calendar year changes to a grade of “F”.

The effect of removing an “I” grade on a student’s academic standing depends on the date the transaction is officially recorded on the student’s record. If the transaction is recorded before the student begins another semester, the grade replacing the “I” is included in the grade point average calculations which establish the student’s academic standing. If the transaction is recorded after the student begins another semester, the new grade’s effect on academic standing is based upon its inclusion with grades for the semester in which the student is enrolled.

EDUCATIONAL PROGRAMS AND SERVICES

A. Educational Offerings

San Juan College is dedicated to meeting the educational needs of its community. Through its various programs and services, the college shall seek to assist its students in developing special knowledge and skills and in realizing intellectual, physical, emotional, and social maturity. Its programs and services include:

1. Transfer Education

The college offers courses designed to enable students – including those who enter with scholastic deficiencies – to complete an Associate of Arts or Associate of Science degree and/or the first two years of four-year college work in order to enroll in a four-year institution. Several programs of study exist to this end, leading to Associate of Arts, Associate of Nursing, Associate of General Studies and Associate of Science degrees. For more information about transfer agreements, partnerships, and transferable degrees, go to <https://www.sanjuancollege.edu/pages/6260.asp>

2. Technical/Occupational Education

San Juan College actively monitors the technical and occupational training needs of its service area and the state and assumes a position of developing and offering courses designed to equip students with the skills and technical knowledge required for successful employment in semi-professional or other occupational fields. One and two-year certificate programs and an Associate of Applied Science degree are the result of the completion of the various technical and occupational programs that the college offers.

3. Community Learning Center

In recognition of the principle that true education is a life-long experience, the college offers non-credit courses designed to prepare students for responsible citizenship, increased competence in communication, improved understanding of his/her cultural

heritage and physical and biological environment, achievement of a balanced and social adjustment, and an opportunity for life enrichment. Also provided for are courses, workshops, and seminars for vocational enrichment designed to fill gaps in a person's school and to enable a person to enhance his/her employable skills or to cross-train into other occupational fields.

4. Cooperative Education

The objective of cooperative education is to provide students with training or learning experiences in specific areas, especially when equivalent training or education normally is not available in the student's program. Cooperative education also provides students with supervised, real work experience that will be advantageous when attempting to secure permanent employment.

5. Early Admit High School Admission

Early admission is for high school juniors or seniors who are currently enrolled in high school at least half time, have established residency with the four corners, and who wish to take college classes while they are still in high school. College classes taken under early admission count only for college credits and will not count toward high school credits. Early admit students are admitted as non-degree seeking and are therefore limited to no more than 7 credits per semester. Non-degree admission status students ARE NOT eligible for any financial aid.

6. Dual Credit

Dual Credit is for high school students who wish to earn both high school and college credit concurrently. The Dual Credit option is available for New Mexico high school students whose district has a signed dual credit Master agreement with San Juan College. Students work with their high school counselor to determine available courses.

7. Learning Support

Learning Support courses are offered for credit and are listed in the college schedule (LRNS). They include support courses for specific college classes in English and Math, Academic Skills courses focus on study techniques and assistance, and college success strategies.

In the Student Success Center, tutoring is offered on a walk-in basis at the Reading and Writing Center and the Math and Science Center, by PEER tutors, content-area teachers, volunteers from honors classes and service-learning programs, and master tutors. Walk-in tutoring is also offered in the Technology Building for vocational students. Students needing help in other subjects such as computers, business, or foreign languages are tutored by appointment.

8. Basic Skill Development

To support the open door policy and to provide opportunities for those citizens not able to complete high school, the college offers an Adult Basic Education program culminating to the award of a General Education Development (GED) diploma. Additionally, a developmental studies program has been established to assist students in developing the necessary attitudes and skills for success in college.

B. Educational Access Programs and Services

In keeping with its mission of educational access, the college offers the following programs and services. The board acknowledges these programs and services as important to the educational program and supports their development.

1. Instructional Outreach

Instruction in both credit and non-credit programs are offered at various public schools and other facilities throughout the service area. The college also enters into cooperative agreements with community agencies and organizations to offer skills training opportunities on-site.

2. Flexible Scheduling

The college offers a variety of courses during evening hours and weekends. Self-paced instruction is available in many programs. The implementation of an open-entry, open-exit concept is also being supported.

3. Distance Education/On-Line Learning

Teaching and learning are no longer limited to traditional classrooms and lecture halls. Emerging telecommunications and information technologies are allowing students, faculty, and the community to participate in learning any time and any place. San Juan College is meeting these needs by utilizing the technology and our learning management system, WebCT. The highest quality instructional activities can occur independent of time and distance.

[San Juan College Board Policy #600](#)

For more information on academic programs offered by San Juan College, go to <https://www.sanjuacollege.edu/pages/2574.asp>.

C. Accreditation

San Juan College is accredited by the North Central Association of Colleges and Secondary Schools as a degree-granting institution. Membership in this accrediting association makes possible the transfer of credits to other colleges and universities. Accreditation information can

be viewed by the public upon request from the San Juan College Office of Institutional Research and Planning.

The college community has been working diligently to implement innovative programs and superior service for students using learning college, AQIP, and quality standards. In March 2000, the college was the first and only educational institution in the state to win Quality New Mexico's Zia Award, the state's premier recognition for performance excellence and quality achievement.

The North Central Association accreditation allows an institution to select either the traditional accreditation or continuous improvement through the AQIP process. San Juan College has elected to participate in the AQIP program and has completed the first self-assessment and systems appraisal. We are one of the first institutions in the nation to submit our systems portfolio for review and are currently reviewing our opportunities for improvement.

San Juan College's two year Associate Degree in Nursing is accredited by the National League of Nursing, and the Associate of Applied Science in Mechanical Drafting and Design Engineering Technology is accredited by the Accreditation Board for Engineering and Technology, Inc.

[San Juan College Board Policy #405](#)

D. Academic Freedom

Academic freedom is a right protected by the First Amendment of the United States Constitution.

A society, to remain free, requires citizens to be well-schooled in traditional knowledge and capable of critical evaluation of both new and old ideas. An institution of higher education can best foster growth in a democratic society when both student and teacher can freely participate in the process of sifting and weighing traditional approaches and creating and evaluating new ones. Through the community and the community college, society should provide an academic atmosphere in which questioning is encouraged, where alternatives can be explored, and where one may follow where an inquiry leads. It is, therefore, imperative that the San Juan College faculty and students enjoy full freedom in the discussion of his/her subject and related matters, both in and beyond the classroom; the ultimate purpose of such freedom being pursuit of truth.

In his or her work, the teacher is governed by the policy statements of the College. He/she is entitled to freedom in the classroom in discussing his/her subject, but the teacher should be careful not to introduce controversial matter into his/her teaching that has no relation to the subject.

As a teacher, his/her right to express himself or herself on matters of College policy and procedure shall not be denied or abridged, nor should such an expression jeopardize his or her academic position, as long as he/she expresses himself/herself in a professional and ethical manner. When the teacher speaks or writes as a citizen, he/she should be entirely free from institutional censorship or discipline, but his/her special position in the community obliges him/her to remember that the public may judge the teacher's profession and institution by the validity of his/her opinions and the manner in which he/she expresses them. When he/she speaks or writes as a citizen, he/she should indicate that he/she is not an institutional spokesperson.

Academic freedom, as it relates to faculty, is independent of employee evaluations and re-employment contract offers.

When the teacher speaks or writes, as a citizen or as a teacher, he/she should strive to be scrupulously accurate and objective, to exercise appropriate emotional restraint, and to show respect for the convictions of others.

The Academic Freedom Policy does not protect teachers from the consequences of dishonesty, libel, slander, plagiarism, or intentional misrepresentation.

[San Juan College Board Policy #601](#)

E. Freedom of Speech

Freedom of speech is a basic tenet for citizens in the United States. It is protected under the First Amendment to Constitution which states: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or of breaching the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.”

The State of New Mexico has codified parameters for speech and assembly in State Statute 30-20-13..D: “No person shall willfully interfere with the educational process of any public or private school by committing, threatening to commit or inciting others to commit any act which would disrupt impair, interfere with or obstruct the lawful mission, processes, procedures or functions of a public or private school.”

San Juan College as an institution of higher education, promotes free speech. Diverse points of views, expressed through civil discourse and debate, form a cornerstone for active learning on a college campus and in our society. San Juan College is a learning community and uses the exchange of ideas and information to further individual knowledge and understanding in order to be a responsible active citizen in this community, state, and nation. Diverse thoughts and expressions are needed to promote a student’s ability to participate and interact in a global environment. San Juan College has a legitimate right to protect the safety and security of students, faculty, and staff. The College must also maintain its primary mission relative to educating its students. For more detailed information regarding the rule for freedom of speech, go to <https://www.sanjuancollege.edu/documents/Freedom%20of%20Speech%20Rule.pdf> .

F. Articulation with Other Institutions

Secondary Schools

Students enrolled in high schools within the San Juan College district service area shall be continually informed of post-secondary education opportunities offered at the college. Additionally, the president shall work actively with secondary school officials in other ways to establish articulation programs that would make the transition from high school to college meaningful and accessible.

Colleges and Universities

The president and his/her designee shall insure continuous communication between San Juan College and other colleges and universities concerning transfer and other articulation issues. Special efforts shall be made to facilitate the transfer process and to minimize problems involved in transferring specific courses.

G. Articulation Policy Statement

To promote the continuous, efficient, forward progress of students through the educational system of New Mexico, the Board of San Juan College endorses the practices and matrices that facilitate the intrastate transfer of credit and support the development and implementation of a statewide articulation plan. To this end, students awarded the Associate of Arts or Associate of Science degree from an accredited New Mexico institution will be admitted at the junior level in baccalaureate degree-granting institutions and will be considered to have fulfilled all of the general educational core requirements of the receiving institution.

Further, all post-secondary institutions in the state of New Mexico should explore developing appropriate agreements to facilitate the transfer of Associate of Applied Science degrees into baccalaureate programs.

To further enhance articulation between all state-supported institutions in New Mexico, San Juan College adopts the principle of treating transfer students as native students in the application of credit toward certificate or degree requirements.

CHAPTER 13

PERSONNEL RECORDS

13.00 GENERAL STATEMENT

Citizens in a democracy have a fundamental right to have access to public records. This right is recognized by the New Mexico Legislature through the [New Mexico Inspection of Public Records Act, NMSA 1978, §§ 14-2-1 et seq.](#) (“IPRA”), and by the New Mexico Supreme Court, which stated in 1977 that a citizen’s right to know is the rule and secrecy is the exception. San Juan College is committed to complying with the IPRA.

13.01 INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

All employees of the college (including student workers) and the public may request information considered to be public records as defined in the Inspection of Public Records Act (IPRA) (14-2-1 through 14-2-12 NMSA 1978).

13.02 EXCLUSIONS

Exempt files contain information protected by the Confidential Materials Act [§§14-3A-1, 14-3A-2 NMSA 1978] and any other material which is not considered to be public records or which is exempt from public inspection by the IPRA will not be released to the public. The right of public inspection is limited to existing public records, and the College is not required to create a public record that does not otherwise exist.

13.03 RESPONSIBILITIES

The Director of Human Resources is the Custodian of personnel records responsible for the maintenance of these records. No personnel files may be removed from the Human Resources Office without prior approval of the Director of Human Resources. The President of the College is the official custodian of all other records of San Juan College.

13.04 OFFICIAL PERSONNEL FILE

The official personnel file is completed and maintained on each employee within the Office of Human Resources.

13.05 ACCESS TO PERSONNEL AND PAYROLL FILES

- A. An employee may review his/her own file in the presence of a human resources staff member. Copies of documents should be requested ([Employee File Request Form](#)) in advance.
- B. The supervisor, or anyone in the direct line of authority, may review his/her employee’s personnel files with specific approval of the Director of Human Resources.

13.06 DISCLOSURE OF PUBLIC RECORDS

- A. Should a request for information be received, the requesting party will be informed of the Disclosure of Public Records Law. Section 14-2-1, NMSA, 1978, requires public records to be available for inspection and/or copying with some exceptions.
1. The Director of Human Resources is the official custodian of records on active and inactive personnel.
 2. Any person requesting disclosure of public record(s) from San Juan College must do so in writing to the custodian designated. The requestor will be asked to complete a Request for Inspection or Copies of Public Records that includes:
 - a. The name, mailing address and telephone number of the requestor
 - b. The specific information requested
 3. When copies of the record are requested, copies may be made only under the direct supervision of the Director of Human Resources. Information is supplied in the form in which it is maintained. The requester must pay for the cost of reproducing the material and may be charged.
 - a. The official custodian will, within three (3) working days of receipt of a request, apprise the requestor of action on the request.
 - b. If a request to inspect records includes numerous files and/or documents, SJC reserves the right to set a specific date or time when the documents will be available for inspection.
 - c. Copies may be requested and will be provided within a reasonable amount of time. Pursuant to the Public Records Act, the requestor will be notified in writing if additional time will be necessary beyond the fifteen (15) working day limit to produce the requested information.
 - d. College staff will provide a date and time when the document will be ready.
 - e. All document duplication fees are due and payable in full and are based on the current fee schedule of up to \$1 per copy. If there are multiple pages, a fee will be charged to place information on a DVD or jump drive.
 - f. All documents not picked up will be destroyed after 30 days of availability.

13.07 EXEMPT/CONFIDENTIAL RECORDS

For the purpose of preserving the confidentiality of records, the material listed below is regarded by state law, the Family Education Rights and Privacy Act (FERPA), HIPAA, as exempt/confidential:

1. Records pertaining to physical or mental examinations and medical treatment of persons confined to any institution;
2. Residential and personal email addresses, and residential and personal cellular phone numbers;
3. Letters of reference concerning employment, licensing or permits;
4. Letters or memorandums which are matters of opinion in personnel files or students' cumulative files; Materials of a historical or educational value upon which the donor or seller has imposed restrictions with respect to access to and inspection of the materials for a definite period of time as specified by the donor or seller pursuant to the Confidential Materials Act [§§14-3A-1, 14-3A-2 NMSA 1978]
5. *Performance evaluation reports, performance and development plans;

6. *Opinions as to whether a person would be re-employed or as to why an applicant was not re-employed;
7. *Social Security Number;
8. *Personal financial account numbers;
9. *College transcripts;
10. *Military discharge if other than honorable;
11. As otherwise provided by law.

***Withhold or redact from public inspection, unless Custodian, in consultation with legal counsel, determines that disclosure is required by law.**

In accordance with FERPA, every employee of San Juan College has an obligation to treat student information confidential, and to abide by federal regulations with regard to student records. All inquiries regarding established policy and procedures relative to this Act should be directed to Vice President of Student Services. Additional information is provided in the Academic Catalog, or can be found at the following link:

<http://www.sanjuancollege.edu/student-services/student-policies/the-family-educational-rights-and-privacy-act-ferpa/>

13.08 RELEASE OF INFORMATION

Except as required for use by the president in the discharge of official responsibilities, the custodian of records will release personnel file contents only upon authorization, in writing, from the employee affected or upon order of a court of competent jurisdiction, or as otherwise required by law.

[San Juan College Board Policy #507](#)

13.09 REQUESTS FOR EMPLOYMENT REFERENCES

1. All telephone or written requests for employment references from outside employers in regards to former or current San Juan College employees should be referred to the Director of Human Resources or designee. The Director of Human Resources may refer such requests to the appropriate dean for certain employment data.
2. Requests from co-workers to write letters of reference to prospective employers are letters of opinion and will not be written on the college letterhead unless reviewed by the appropriate dean or the Director of Human Resources.

CHAPTER 14
SAN JUAN COLLEGE
POLICY ON NON-DISCRIMINATION AND SEXUAL
HARASSMENT

A. San Juan College is in agreement with and dedicated to providing equal employment and educational opportunities without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, disability, age, genetic, veteran's status, or on the basis of any other category protected under federal, state and local laws.

B. Title IX Notice and Policies:

1. **Title IX Notice:**

San Juan College does not discriminate on the basis of race, color, national origin, sex, gender identity, disability, or age in its programs and activities and provides equal access to the Boy Scouts and other designated youth groups. The following person has been designated to handle inquiries regarding the non-discrimination policies:

The Assistant Director of Human Resources has been designated as the Equal Employment and Opportunity Officer and Title IX Coordinator ("EEOO/Title IX Coordinator") for San Juan College. The office is located on the Main Campus in the Educational Services Building, second floor, Room 4236. The EEOO/Title IX Coordinator can be reached directly at the following telephone number: (505) 566-3515 or allens@sanjuancollege.edu.

2. **Title IX prohibits all of the following actions at San Juan College:**

- a. Sexual misconduct, including sexual violence, dating violence, domestic violence, and stalking;
- b. Discrimination based on sex, gender, or gender identity;
- c. Sexual harassment;
- d. Any retaliation for making or asserting a claim or complaint for discrimination or harassment based on sex or gender under Title IX, the Violence Against Women Act, or Title VII of the Civil Rights Act of 1964.

3. **Definitions of Sexual Violence and Sexual Misconduct:**

Sexual violence refers to physical sexual acts perpetrated with force or coercion against a person's will, or where a person has not given consent as defined in this policy, or where a person is unable to consent due to his or her use of alcohol or drugs, or disability or age. Sexual violence is a crime.

Sexual misconduct incorporates a range of behaviors, including sexual assault, sexual harassment, intimate partner violence, stalking, voyeurism, and any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing a person.

Prohibited acts include, but are not limited to:

- a. **Rape/sexual assault:** non-consensual sexual intercourse (either vaginal or anal) with a penis, vagina, tongue, finger or any object. *See* § 30-9-11 NMSA (1978).
- b. **Non-consensual oral sex:** non-consensual contact between one person's mouth and the genitals or anus of another person. *See* § 30-9-11 NMSA (1978).
- c. **Sexual contact/battery:** non-consensual intentional touching, kissing or fondling another person's unclothed intimate parts (groin, buttocks, anus or breast); or forcing someone to touch another's unclothed intimate parts (groin, buttocks, anus or breast). *See* § 30-9-12 NMSA (1978).
- d. **Sexual exploitation:** taking sexual advantage of another person without consent, including, without limitation, indecent exposure, voyeurism, non-consensual recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts of another person; and/or allowing third parties to observe private sexual acts. *See* §§ 30-9-14, 30-9-14.3, and 30-9-20 NMSA (1978).
- e. **Domestic violence:** under New Mexico law, domestic violence can be a felony or a misdemeanor crime. Crimes included under the Act are assault, aggravated assault, assault with intent to commit a violent felony, battery and aggravated battery. A "household member" is a spouse, former spouse, parent, present or former stepparent, present or former parent-in-law, grandparent, grandparent-in-law, a co-parent of a child *or person with whom someone has had a continuing personal relationship*. Cohabitation is not necessary to be deemed a household member. In addition, under state law, violation of a court-issued order of protection granted to protect an individual who has experienced sexual violence or misconduct or domestic abuse is a misdemeanor crime. *See* § 30-3-10 *et seq.* NMSA (1978) (Crimes Against Household Members Act).
- f. **Domestic abuse:** under New Mexico law, "domestic abuse" is an incident of threatening or assaulting a household member resulting in a belief that they are in danger of battery or actual physical harm, whether great or temporary. The definition for Domestic Abuse of household member is the same as set forth above for Domestic violence. Violation of any provision of an order of protection issued under the Family Violence Protection Act

is a misdemeanor crime and constitutes contempt of court and may result in a fine or imprisonment or both. *See* § 30-3-10 *et seq.* NMSA (1978) (Crimes Against Household Members Act).

- g. **Dating violence:** under New Mexico state law, someone with whom a person has a dating or intimate relationship is considered to be a household member (see definition in subpart “e” above). Any of the felony and misdemeanor crimes enumerated as domestic violence in the Crimes Against Household Members Act are also crimes when committed against someone with whom the offender has a dating or intimate relationship. *See* § 30-3-10 *et seq.* NMSA (1978) (Crimes Against Household Members Act).
- h. **Stalking:** under New Mexico law, “stalking” is defined as knowingly pursuing a pattern of conduct, without lawful authority, directed at a specific individual when the person intends that the pattern of conduct would place the individual in reasonable apprehension of death, bodily harm, sexual assault, confinement or restraint of the individual or another individual or which causes a reasonable person to fear for their safety or the safety of a household member. “Aggravated stalking” consists of stalking perpetrated by a person who knowingly violates a permanent or temporary order of protection, or when the person possesses a deadly weapon or when the victim is under sixteen years of age. *See* § 30-3A-1 *et seq.* NMSA (1978) (Harassment and Stalking Act).

4. **Reporting Crimes Involving Sexual Violence or Misconduct:**

While San Juan College has a Public Safety Department, crimes that occur on campus are referred to the Farmington Police Department or the law enforcement agency where the College activity occurs. San Juan College will investigate and respond to claims under College policy, but the College does not have authority to enforce criminal statutes.

5. **Definition of Consent to Engage in Sexual Activity (Yes Means Yes):**

Consent is an affirmative, informed, and conscious decision to willingly engage in mutually acceptable sexual activity. Consent requires a clear affirmative act or statement by each participant to each sexual act in a sexual interaction. Consent demonstrates that the conduct in question is welcome or wanted. Relying solely on non-verbal communication can lead to miscommunication about one’s intent. Confusion or ambiguity may arise at any time during a sexual interaction. Therefore, it is essential that each participant makes clear his or her willingness to continue at each progression of the sexual interaction.

Sexual activity will be considered “without consent” if no clear act or statement is given. Consent may not be inferred from silence, passivity or lack of active response alone. A person who is asleep, unconscious or otherwise unaware of what is happening is unable to give consent. Furthermore, a current or past dating or sexual relationship is not sufficient to constitute consent in every instance, and consent to one form of sexual activity does not imply consent to other forms of sexual activity. It is the responsibility of the person initiating the sexual activity to obtain consent from his or her partner. Being intoxicated or under the influence of other drugs does not diminish one’s responsibility to obtain consent.

The use of alcohol or drugs can limit or prevent a person’s ability to freely and clearly give consent. If a person is under the influence of alcohol or drugs to the extent that he or she is unable to give meaningful consent or does not understand the fact, nature or extent of the sexual situation, there can be no consent. Intoxication alone, however, does not mean a person is incapable of consenting to sexual activity. The EEO/Title IX Coordinator’s investigation will examine the record for other behavior like stumbling or otherwise exhibiting loss of equilibrium; slurred speech or word confusion; bloodshot, glassy or unfocused eyes; vomiting, especially repeatedly; being disoriented, or confused as to time, place, etc.; and/or loss of consciousness. Should the preponderance of the evidence in the record demonstrate that one or more such behaviors were objectively apparent at the time the alleged unconsented-to- or unwelcomed sexual activity occurred, then the evidence may demonstrate that the respondent knew or should have known that the complainant was incapable of giving meaningful consent to sexual activity due to intoxication. If the person initiating the sexual activity is also under the influence of alcohol or other drugs, that does not diminish his or her responsibility to obtain consent, and is not a defense to charges of violation of this policy. Because it may be difficult to discern whether one’s sexual partner is incapacitated, students are strongly encouraged to err on the side of caution; e.g. when in doubt, if you and/or your partner have consumed alcohol and/or other drugs, assume that the other person is incapacitated and therefore unable to give consent to sexual activity.

In addition to alcohol or other drugs, if a person’s mental, physical or psychological disability (temporary or permanent) or age impairs his or her ability to make an informed decision to willingly engage in sexual activity, there can be no consent. Examples include, but are not limited to, when an individual is incapacitated, scared, physically forced, intimidated, coerced, mentally or physically impaired, passed out, threatened, isolated or confined.

In New Mexico, persons under the age of seventeen (17) are not able to consent to engage in any form of sexual penetration. It is a crime for an individual who is over the age of eighteen (18), and who is at least four (4) years older than a minor, to engage in sexual penetration of a minor who is age thirteen (13) to sixteen (16) if the perpetrator is not the spouse of the minor.

6. **Title IX Reports:**

Title IX applies to and protects the men, women, boys, girls, staff, faculty, and students at San Juan College. Title IX requires reporting of Title IX violations from “responsible employees” for which purposes of Title IX are defined to include:

- a. Those with authority to address and remedy sex-based discrimination and harassment; and/or
- b. Those with responsibility to report sexual misconduct to a supervisor and the EEOO/Title IX Coordinator; and/or
- c. Those who a student would responsibly believe have such authority or obligation.

There are numerous staff, faculty members and administrators at SJC trained to address complaints of sexual misconduct and gender discrimination. SJC’s Title IX Coordinator oversees compliance with all Title IX related matters, including the handling of complaints.

7. **Harassing Speech:**

In cases involving harassing speech, assessing Title IX applicability to off-campus behavior will require a two-prong test:

- a. Does San Juan College have control over the harasser (are they subject to our rules); and
- b. Does San Juan College have control over the context of the harassment (did the harassment occur on our property, in our programs, on land we lease or control, or at events we sponsor)?

8. **Off-Campus Jurisdiction:**

San Juan College reserves the option to take off-campus Title IX jurisdiction in cases involving sexual violence, sexual assault, or rape that involve students or employees.

9. **Questions or Inquiries:**

All inquiries concerning the application and operation of Title IX at San Juan College may be referred to the EEOO/Title IX Coordinator or the Office of Civil Rights of the United States Department of Education <http://www2.ed.gov/about/offices/list/ocr/index.html>. The EEOO/Title IX coordinator is located in the Educational Services Building on the second floor,

room 4236 in the Human Resources Office. The phone number is (505) 566-3515. The email address is allens@sanjuancollege.edu.

D. **Campus Violence Elimination Act (Campus SaVE Act) Notice:**

San Juan College does not tolerate any sexual violence to include intimate partner violence which can be defined as any physical sexual, or psychological harm against an individual by a current or former partner or spouse of the individual. Such sexual violence covers domestic violence, dating violence and stalking. The Campus SaVE Act complements and is a companion to Title IX and assists with the response to and prevention of sexual violence in higher education. The Act provides a framework for educational institutions to address incidents of sexual violence occurring on-campus, on public property within and adjacent to campus, and at non-campus properties where campus sponsored events and remote classrooms or programs are held. San Juan College strives to comply with the Campus SaVE Act.

Specifically, the Campus SaVE Act outlines provisions for the following:

1. **Transparency:** Students or employees who report being victims of any prohibited acts will be assisted by campus authorities in reporting a crime to law enforcement and with obtaining or enforcement of no contact directives or restraining orders. Employees and students should be aware of bystander intervention which includes taking action to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against another person. Individuals who make reports will be provided options and assistance in changing academic, living, transportation and working situations if requested and reasonably available. Further, resource information will be provided which includes information on counseling, health, local advocacy and legal service agencies. The range of any possible disciplinary actions or sanctions and procedures may be found in the *San Juan College Student Code of Conduct* and/or *San Juan College Employee Handbook*.
2. **Accountability:** Provide a prompt, fair and impartial investigation and resolution of complaints. Additionally, both accuser and accused may be accompanied during proceedings by an advisor of their choice and both parties will receive written outcomes of disciplinary hearings at the same time.
3. **Education:** Conduct initial and ongoing awareness programming for students and employees that addresses issues of primary prevention, definition of consent, reporting, bystander intervention and risk reduction.
4. **Inquiries concerning the application of the Campus SaVE Act may contact any of the following:** the San Juan College EEO/Title IX Coordinator or the Director of Human Resources at San Juan College; the San Juan College Director of Public Safety, Room 1100, Phone (505) 566-3050, andersonk@sanjuancollege.edu; the

Vice President of Student Services, Room 4123, Phone (505) 565-3318, eppichd@sanjuancollege.edu. Inquiries may also be made to the Office for Civil Rights, United States Department of Education <http://www2.ed.gov/about/offices/list/ocr/docs/index.html>.

E. Policy of Non-Discrimination:

1. San Juan College is in agreement with and dedicated to providing a place of work and learning that is free from discrimination and harassment on the basis of a person's race, color, religion, sex, sexual orientation, gender identity, national origin, disability, age, genetic, veteran's status, or on the basis of any other category protected under federal, state and local laws. Where a violation of policy is found to have occurred, San Juan College will act to stop the conduct, to prevent its recurrence, to remedy its effects, and to discipline those responsible in accordance with the *San Juan College Employee Handbook* and/or *San Juan College Student Code of Conduct*.
2. No employee or student at San Juan College should be subjected to discrimination in the workplace or in an academic setting, including being subjected to inappropriate conduct. Even one incident may constitute a violation of policy and can be the basis for asserting a complaint. It is expected that students, faculty and staff will treat one another and campus visitors with respect.
3. It is against San Juan College policy to discriminate in any aspect of employment or education, which includes, but is not limited to the following:
 - a. Recruitment for employment at San Juan College;
 - b. Employment and accommodation in the workplace;
 - c. Compensation;
 - d. Benefits and retirement benefits;
 - e. Transfers;
 - f. Layoffs and returns to work;
 - g. Institutionally sponsored education and training;
 - h. Tuition assistance;
 - i. Social and recreational programs;
 - j. Staff development and career advancement;
 - k. Admission and class registration;
 - l. Testing;
 - m. Grading;
 - n. Facility and equipment use;
 - o. Housing;
 - p. Academic accommodations;
 - q. Financial aid/scholarships;
 - r. Any other terms and conditions of employment;

- s. Any other academic programs, terms and conditions.
- 4. The determination of what constitutes discrimination under this policy will be done on a case-by-case basis and depending upon the specific facts and the context in which the conduct occurs. Some conduct may be offensive, inappropriate, unprofessional, and/or subject to disciplinary action, but would not constitute discrimination under the law. The specific action taken, if any, relating to a particular instance depends on the nature and the seriousness of the conduct that is reported.
- 5. **Discriminatory practices include, but are not limited to:**
 - a. Discrimination or harassment on the basis of a person's race, color, religion, sex, sexual orientation, gender identity, national origin, disability, age, genetic, veteran's status, or on the basis of any other category protected under federal, state, or local laws.
 - b. Retaliation against an individual for engaging in a protected activity such as filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices;
 - c. Use of electronic mail or computer dissemination of offensive material relating to protected categories;
 - d. Denying or interfering with an employee's or student's authorized reasonable accommodation based on disability or religion;
 - e. Employment or education decisions based on stereotypes or assumptions about the abilities, traits or performance of individuals based on a person's race, color, religion, sex, sexual orientation, gender identity, national origin, disability, age, genetic, veteran's status or on the basis of any other category protected under federal, state or local laws; and
 - f. Conduct that has the purpose or effect of substantially interfering with an individual's academic or work performance, or of creating an intimidating, hostile or offensive environment in which to work or learn.

F. Sex Discrimination/Sexual Harassment Policy:

- 1. San Juan College is committed to providing a place of work and learning free of sexual misconduct which includes sexual harassment and sexual violence, including sexual assault, dating violence, domestic violence, and stalking. Engaging in sexual behavior that is inappropriate, unwanted and unsolicited is a violation of San Juan College policy. Where sexual harassment is found to have occurred, San Juan College will act to address the reported conduct, to prevent its recurrence, to remedy its effects, and to discipline those responsible in accordance with the *San Juan College Employee Handbook* and/or *San Juan College Student Code of Conduct*.

2. No employee or student, either in the workplace or in the academic environment, should be subjected to unwelcome non-verbal, verbal or physical conduct that is of a sexual nature. Even one incident may constitute a violation of San Juan College policy and can be the basis for asserting a complaint.
3. The determination of what constitutes sexual harassment under this policy will be done on a case-by-case basis and depending upon the specific facts and the context in which the conduct occurs. Some conduct may be offensive, inappropriate, unprofessional and/or subject to disciplinary action, but would not constitute sexual harassment under the law. The specific action taken, if any, depends on the nature and the seriousness of the reported conduct and may include disciplinary processes.
4. Under this policy, unwelcome sexual advances, requests for sexual favors, and other non-verbal, verbal or physical conduct of a sexual or gender bias nature, constitutes a violation of policy when:
 - a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status;
 - b. Submission to or rejection of the conduct is used as a basis for academic or employment decisions or evaluations, or permission to participate in an activity; or
 - c. The conduct has the purpose or effect of substantially interfering with an individual's academic or work performance, or of creating an intimidating, hostile or offensive environment in which to work or learn.
5. Sexual harassment may take many forms, subtle and indirect, or blatant and overt.
6. Examples of unwelcome conduct of a sexual or sex related nature that may constitute a violation of policy may include, but are not limited to:
 - a. Rape, sexual assault, sexual battery, sexual coercion, sexual exploitation, stalking, or other sexual violence, including date and domestic violence;
 - b. Sexual violence is a physical act perpetrated against a person's will or where a person is incapable of giving consent due to the victim's age or use of drugs or alcohol. Additionally, a person may be unable to give consent due to an intellectual or other disability (see Paragraph C(4) above);
 - c. Sexually explicit or gender related statements, comments, questions, jokes, innuendoes, anecdotes, or gestures;
 - d. Uninvited touching, patting, hugging, or purposeful brushing against a person's body or other inappropriate touching of an individual's body;
 - e. Remarks of a sexual nature about a person's clothing or body;
 - f. Use of technology, electronic mail or computer dissemination of sexually oriented, sex-based communications or sexually explicit images;
 - g. Sexual advances, whether or not they involve physical touching;
 - h. Requests for sexual favors in exchange for actual or promised job or educational benefits, such as favorable reviews, salary increases,

promotions, increased benefits, continued employment, grades, favorable assignments, letters of recommendation;

- i. Displaying sexually suggestive objects, pictures, magazines, cartoons, or screen savers; or
- j. Inquiries, remarks, or discussions about an individual's sexual experiences or activities and other written or verbal references to sexual conduct.

G. Interim and Permanent Protective Measures:

Upon the filing of a complaint for discrimination, employees and students who have asserted a complaint may receive interim protective measures based on the factual circumstances present in their particular matter, including, but not limited to:

1. No contact orders;
2. Changes in job assignments;
3. Changes in job location;
4. Changes in working hours;
5. Changes in class sections;
6. Changes in group assignments;
7. Escorts while on campus;
8. Orders barring individuals from campus pending investigation, hearing and determination.

At the conclusion of the grievance process, the College may make interim protective measures permanent and ongoing unless formally rescinded.

H. Anti-Retaliation Policy:

1. Retaliation against an individual who in good faith complains of alleged discrimination or sexual harassment or provides information in an investigation about behavior that may violate this policy is prohibited and may be grounds for discipline. Retaliation in violation of this policy may result in discipline up to and including termination and/or expulsion. Any employee or student bringing a discrimination or sexual harassment complaint in good faith or assisting in the investigation of such a complaint will not be adversely affected in terms and conditions of employment and/or academic standing, nor discriminated against, terminated, or expelled because of the complaint.
2. "Retaliation" may include, but is not limited to, such conduct or adverse actions as:
 - a. Adverse direct or indirect action taken to keep someone from opposing a discriminatory practice, or from prosecuting or participating in a discrimination proceeding;
 - b. Employment actions such as termination, refusal to hire, and denial of promotion;

- c. Threats, unjustified negative evaluations, unjustified negative references, or increased surveillance;
 - d. Action such as an assault or unfounded civil or criminal charges that are likely to deter reasonable people from pursuing their rights;
 - e. An unfair or unjustified grade; or
 - f. Using a third person to engage in the improper retaliatory conduct.
3. Isolated negative comments in an otherwise positive or neutral evaluation or negative comments regarding an employee's or student's poor work/academic performance or history is not considered adverse direct action under this policy if such comments are factually justified and are otherwise not made for the purpose of retaliating against the employee or student for having made a complaint or having provided information regarding a potential violation of San Juan College policy.

I. Policy Regarding Rehabilitation Act of 1973/Americans With Disabilities Act Compliance:

1. All faculty, staff, and employees at San Juan College are required to comply with federal regulations regarding reasonable accommodations for students with disabilities, in accordance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act as amended (ADAAA, 2008).

Faculty, staff, and employees must comply with requests for reasonable accommodations and requests that do not fundamentally alter the nature of the educational program. All requests for accommodation will be reviewed and approved by the Disability Services Coordinator with consultation, when appropriate, with the faculty or program chairs, deans, and the Vice President of Learning. Faculty, staff, and employees with questions or concerns about the details of an accommodation should contact the Disability Services Coordinator.

Faculty, staff, and employees must treat information regarding a student's disability and/or requests for accommodation as confidential. To ensure consistency in following federal guidelines, all requests for accommodations from students with documented disabilities must be reviewed and approved by the Disability Services Coordinator. Notices of accommodation will be sent out each semester to each affected faculty member.

Faculty should include the following statement on each course syllabus:

Students with documented disabilities who may need academic adjustments or auxiliary aids or services for this course are required to register with the Disability Services Coordinator. The Coordinator can be reached at (505) 566-3271 or by email at disabilityservices@sanjuancollege.edu.

2. Faculty are also required to comply with federal laws prohibiting discrimination on the basis of a student's disability.

3. Questions or concerns regarding behaviors that may be considered discriminatory should be directed to the Coordinator of Disability Services Coordinator or to the *Vice President for Student Services* who can be reached at (505) 566-3318. All complaints regarding discrimination regarding reasonable accommodations for students with disabilities will be investigated subject to the provisions of Policy as set forth in the section titled “Complaints, Investigation, Determinations.”
4. San Juan College’s policies and procedures do not limit or supplant statutory protections for persons with disabilities and the remedies they provide for the denial of requests for reasonable accommodation. Requirements governing the initiation of statutory claims remain unchanged, including the time frames for filing such claims.

J. Applicability and Sanctions:

1. All students and employees are subject to this policy. Because complaints may also be filed against visitors, consultants, independent contractors, and outside vendors whose conduct violates these policies, the possible sanctions of limiting access to campus facilities and other measures to protect the campus community may be imposed.
2. Upon a determination that sexual violence, dating violence, domestic violence, stalking, or any other form of sexual misconduct has taken place, San Juan College may enter sanctions against the perpetrator as outlined in the *San Juan College Employee Handbook* or *San Juan College Student Code of Conduct*, including, but not limited to:
 - a. Permanent prohibition from campus;
 - b. Expulsion;
 - c. Suspension for set period of time;
 - d. Change in class assignment and advisors;
 - e. Transfers or changes in class assignment;
 - f. Prohibitions from certain areas of campus;
 - g. Written warnings;
 - h. Verbal warnings;
 - i. Dismissal from employment;
 - j. Suspension from employment;
 - k. Reassignment of job duties;
 - l. Probation.

K. Policy Statement Distribution:

1. The President’s Equal Opportunity Statement dated November 2012 references the official position of San Juan College as contained in this policy. All employees will be provided the President’s policy statement on an annual basis. The Human Resources Office and/or the EEO/Title IX Coordinator will maintain documentation (written or electronic) that each employee received the President’s

policy statement. New employees will be provided a copy of the President's policy statement at the time of hire, generally at the onboarding orientation, and documentation will be maintained by the Human Resources Office. Additionally, the President's policy statement will be provided to students at least annually. The distribution and receipt documentation may be accomplished electronically for either employees or students. The complete text of this policy will be maintained on the San Juan College website.

L. Complaints, Investigation, Determinations:

1. Procedure for Employees:

- a. San Juan College recognizes the right of all employees, regardless of job status, to file complaints regarding any act of discrimination including, but not limited to sexual harassment, sexual assault, dating and domestic violence, and stalking and alleging discrimination on the basis of sex (includes pregnancy), sexual orientation, and gender identity.
- b. Employees may begin the grievance procedure when they feel their rights have been violated by any act of discrimination including, but not limited to sexual harassment or unfair treatment because of sex (includes pregnancy), sexual orientation or gender identity by meeting with the EEOO/Title IX Coordinator to describe the reasons for the complaint, the related circumstances, and the desired resolution. To assist in timely resolutions, employees should begin these procedures soon after the incidents. Employees will be asked to sign a form documenting these conversations.
- c. The EEOO/Title IX Coordinator is under obligation by law to investigate any charges of discrimination or unfair treatment. Upon receipt of the complaint, the EEOO/Title IX Coordinator will conduct a thorough and impartial investigation.
- d. After thorough investigation, the EEOO/Title IX Coordinator will attempt to facilitate informal conferences and negotiations, toward a mutually satisfactory resolution.
- e. If a complaint cannot be resolved informally, an employee may request, at any time, in writing, a formal hearing within ten (10) College work days from the conclusion of Step 1 of the appeal process.
- f. Within fifteen (15) College work days of receipt of a written request for a hearing, the EEOO/Title IX Coordinator appoints three or five member panel [link to panel protocol] consisting of College employees who can evaluate the complaints objectively. Only evidence that is relevant to the specific issues will be heard.

- g. San Juan College will use a preponderance of the evidence standard in all proceedings involving discrimination but not limited to sexual violence or sexual misconduct. This means that the standard of proof is whether the evidence presented makes it “more likely than not” that the alleged misconduct occurred.
 - h. The hearing will be closed and an audio recording of the official proceeding will be made and maintained on file for one year in the Human Resources Office. The hearing will consist of the hearing panel, the grievant, and the respondent. Witnesses may be called as necessary. Any participant in a hearing may have an advisor to consult and support them. Advisors may not speak at the hearing, may not address the panel, or question witnesses. Advisors who are disruptive or fail to follow these rules will be removed.
 - i. The decision of the hearing panel will be submitted to the EEOO/Title IX Coordinator for dissemination. If the respondent is found in violation of the policies, the EEOO/Title IX Coordinator will forward the hearing results to the appropriate Vice President for disciplinary action. The complainant and respondent will simultaneously be sent a copy of the panel decision.
 - j. The prescribed time limits may be extended whenever necessary in order for these provisions to be implemented. The interpretation of “days” is to be normal workdays (Monday through Friday) exclusive of official College holidays.
 - k. All employees are notified that they also have a right to file complaints with the appropriate state, federal, regional or national agency, if they choose, including filing complaint with local law enforcement for sexual violence complaints.
 - l. Penalties: For employees who are found to have violated the *San Juan College Employee Handbook* will be referred to Human Resources. Sanctions for employees may include any of the actions listed in Section I above.
2. ***Procedure for Students:***
- a. San Juan College recognizes the right of all students to file complaints regarding any act of discrimination including, but not limited to, sexual harassment, sexual assault, dating and domestic violence, stalking, discrimination on the basis of sex (includes pregnancy), sexual orientation, gender identity, and/or disability.
 - b. Students may begin the complaint process when they feel their rights have been violated by any act of discrimination including, but not limited to sexual harassment or unfair treatment because of sex (includes pregnancy), sexual orientation or gender identity by meeting with the EEOO/Title IX Coordinator to describe the reasons for the complaint, the related

circumstances, and the desired resolution. Students who feel that they have been discriminated against based upon their disability, or a failure to make a reasonable accommodation, may begin the complaint process by meeting with the Disability Service Coordinator to describe the reasons for the complaint, the related circumstances, and the desired resolution. The Disabilities Service Coordinator will then refer the student's complaint to the office of the Vice President for Student Services who will oversee the investigation or designate an appropriate person or office to conduct the investigation. To assist in timely resolutions, students should begin these procedures as soon as possible after the incident. Students will be asked to sign a form documenting these conversations.

- c. The EEOO/Title IX Coordinator is under obligation by law to investigate any charges of discrimination or unfair treatment. Upon receipt of the complaint, the EEOO/Title IX Coordinator will conduct a thorough and impartial investigation after obtaining a written consent to the investigation from the complaining student (or the parent if under the age of 18). In the case of a complaint regarding discrimination against a student based upon their disability, or a failure to make a reasonable accommodation, the office of the Vice President for Student Services will conduct a thorough and impartial investigation after obtaining a written consent to the investigation from the complaining student (or the parent if under the age of 18).
- d. After thorough investigation, the EEOO/Title IX Coordinator, or in the case of a complaint regarding disability or failure to make a reasonable accommodation, the office of the Vice President for Student Services will attempt to facilitate informal conferences and negotiations, toward a mutually satisfactory resolution.
- e. If a complaint cannot be resolved informally, the EEOO/Title IX Coordinator or the office of the Vice President for Student Services will make a determination within thirty (30) College work days from the date the complaint was received.
- f. San Juan College will use a preponderance of the evidence standard in all determination proceedings involving discrimination including, but not limited to sexual violence or sexual misconduct, including sexual harassment. This means that the standard of proof is whether the evidence presented makes it "more likely than not" that the alleged misconduct occurred.
- g. The decision of the EEOO/Title IX Coordinator will be made in writing and given to both the complaining and responding party, as well as the Vice President for Student Services. In the case of a complaint regarding disability or failure to make a reasonable accommodation, the decision of

the office of the Vice President for Student Services or their designee will be made in writing and given to both the complaining and responding party. The complaining party will only be notified of any sanctions imposed on the respondent if the sanctions directly relate to the complaining student.

- h. If it is determined that there was a hostile environment or an environment that allowed sexual violence to take place, the EEOO/Title IX Coordinator and the Vice President for Student Services will take immediate action to eliminate the hostile environment to prevent its reoccurrence and address its effects.

3. *Appeal Process for Students:*

- a. Any party who is dissatisfied with the determination has the right to file an appeal within fifteen (15) working days of notification of the decision. A written notice of appeal must be filed by the aggrieved party with the Office of the Vice President of Student Services.
- b. The Vice President of Student Services has ten (10) working days from receipt of the signed notice of appeal to schedule in a timely manner an appeals panel to hear the matter. The appeal will be considered do novo by the appeal panel, which shall not be bound by the determination made by the EEOO/Title IX Coordinator.
- c. Upon receipt of the written notice of appeal, the Vice President for Student Services for his/her designee will appoint an appeal panel composed of six (6) persons and a chairperson. The membership of the Committee will include:
 - (i) Two (2) faculty members (outside the department of the alleged discrimination occurrence);
 - (ii) Two (2) professional staff members (outside the department of the alleged discrimination occurrence);
 - (iii) Two (2) students; and
 - (iv) Representative staff member from Human Resource Office other than the EEOO/Title IX Coordinator or their designee.
- d. The Vice President will mail a notification of the formal appeal hearing to all individuals involved, within ten (10) working days after the receipt of the written notice of appeal.
- e. The appeal panel will provide all involved individuals an opportunity to present relevant evidence and witnesses and present arguments and the hearing will comply with due process requirements. Cross examination of the complainant or responding party will be done by written questions submitted to the Vice President for Student Services after a short break in the hearing to minimize the potential for a hostile environment. The appellant at the appeal hearing may have an advisor to consult and support

them. Advisors may not speak at the hearing, may not address the panel, or question witnesses. Advisors who are disruptive or fail to follow these rules will be removed. Specific guidelines for the appeal hearing are located in the Student Handbook.

- f. The appeal panel will determine the outcome of the appeal based on all information presented at the appeal hearing and will use the preponderance of evidence standard. The outcome of the appeal will be determined by majority vote of the participating appeal panel participants.
- g. The written decision of the appeal panel will be given to the individuals involved, the EEOO/Title IX Coordinator and the Vice President for Student Services, within five (5) working days following the completion of the appeal hearing. The complainant will only be notified of any sanctions imposed on the respondent if the sanction directly relates to the complaining student.
- h. Any decision of the appeal panel may be appealed to the President within ten (10) working days following the hearing by delivering a written notice of appeal to the Office of the President. Upon receipt of the written notice for appeal, the President will review the decision based on the record presented within thirty (30) working days. There will be no appearance or oral argument presented to the President. The decision of the President is final and non-appealable.
- i. Records of the appeal panel decision will be kept in the Office of the Vice President for Student Services and the EEOO/Title IX Coordinator.
- j. All students are notified that they also have a right to file complaints with the appropriate state, federal, regional or national agency, if they choose, including filing complaint with local law enforcement for sexual violence complaints.
- k. Penalties: Cases for students who are found to have violated the *San Juan College Student Code of Conduct* will be referred to the Vice President of Student Services. Sanctions for students may include any of the actions listed in Section I above.

M. General Information:

1. **Supervisors:** If anyone in a supervisory, managerial, administrative or executive role or position, such as a supervisor, dean, department chair, or director of a unit, receives a complaint of alleged discrimination or sexual harassment, or observes or becomes aware of conduct that may constitute discrimination or sexual harassment, that person must immediately contact the EEOO/Title IX Coordinator.
2. **Employees:** An employee who believes that he or she has been subjected to discrimination or sexual harassment by anyone is encouraged, but it is not required, particularly if it may be confrontational, to promptly tell the person that the conduct

is unwelcome and ask the person to stop the conduct. An employee is not required to do this before filing a complaint. A person who receives such a request must immediately comply with it and must not retaliate against the employee. If the employee feels uncomfortable about discussing the incident with the immediate supervisor, the employee should feel free to bypass the supervisor and file a complaint directly with the EEOO/Title IX Coordinator.

3. **Students:** A student who believes that he or she has been subjected to discrimination or sexual harassment by anyone is encouraged, but it is not required particularly if it may be confrontational, to promptly tell the person that the conduct is unwelcome and ask the person to stop the conduct. A student is not required to do this before filing a complaint. A person who receives such a request must immediately comply with it and must not retaliate against the student. If the student feels uncomfortable about discussing the incident with the faculty member, department head, dean or Vice President of Student Services, the student should feel free to bypass the person and file a complaint directly with the EEOO/Title IX Coordinator.

When discriminatory conduct involves a crime of violence or a non-forcible sex offense, FERPA permits San Juan College to disclose to the alleged victim the name of the alleged perpetrator, any violation found to have been committed and any sanction imposed.

In the event a student is found to have engaged in sexual harassment of another student, San Juan College will disclose to the student who was harassed, information about the sanction imposed on the student when the sanction directly relates to the harassed student.

4. All internal San Juan College departments or schools will promptly contact and consult with the EEOO/Title IX Coordinator when knowledge is obtained relating to potential discrimination or sexual harassment.
5. **Non-employees and non-students:** Individuals who are neither San Juan College employees nor San Juan College students and who believe they have been subjected to discrimination or sexual harassment by a San Juan College employee during the employee's work hours or by a San Juan College student on campus or at San Juan College sponsored event may utilize the complaint process set forth above.

N. **Prompt Attention:**

Complaint of discrimination or sexual harassment are taken seriously and will be dealt with promptly, impartially, and equitably. Where discrimination is found to have occurred, San

Juan College will act to stop the reported conduct, to prevent its recurrence, to remedy its effects, if any, and to discipline those responsible.

O. Confidentiality and Reporting:

San Juan College recognizes that the reporting of sexual violence and sexual misconduct by alleged victims is a sensitive issue, but encourages all members of the College community to report incidents of sexual misconduct. Not every person will choose to make a formal report to the College or with law enforcement about being a victim of sexual misconduct. The purpose of this section is to outline confidentiality and reporting options and obligations for students and employees alike. Dependent on who a victim contacts may determine the level of confidentiality they can expect.

1. **Reports to Law Enforcement:** Persons making reports of being the victim of sexual violence or sexual misconduct should not expect any privacy protections with such a report. While police officers and detectives are sensitive to privacy concerns, the legal setting requires a transparent and legally sufficient investigative process.
2. **Reports to Persons Who Hold Legal Privileges to Maintain Confidentiality:** Medical doctors, psychologists, licensed counselors, and priests and pastors who provide medical and counseling services to members of the San Juan College community are not required to report the incident on to law enforcement or to the College against the wishes of the victim (except in cases involving sexual abuse of a minor). You must give permission to these persons to inform law enforcement or the College EEOO/Title IX Coordinator of the incident involving sexual violence or sexual misconduct.
3. **Reporting to “Responsible Employees”:** Certain employees at San Juan College are designated as “responsible employees” under Title IX who have an affirmative legal duty to inform the EEOO/Title IX Coordinator so that a formal investigation can commence. Faculty members, department heads, Deans, the Vice President of Student Services, and Public Safety Department officers are all designated as “responsible employees”. To the extent possible, information reported to a responsible employee will only be shared with persons in the EEOO/Title IX Coordinator’s office who are responsible to investigate and respond to the report. These individuals will not automatically report the incident on to law enforcement (except in the case of sexual abuse of a minor) without permission, unless there is an ongoing threat to the College community that requires police action. If a victim requests confidentiality, the College will try to maintain, but cannot guarantee confidentiality. (See Part 5 below).
4. **Non-Professional Counselors and Advocates:** Individuals who work or volunteer in the on-campus Student Services, the Advising and Counseling Center, any student organization, including front desk staff and students, can generally talk to a victim without revealing any personally identifying information about an incident to the

College. A victim can seek assistance and support from these individuals without triggering a formal College investigation that could reveal the victim's identity. While maintaining a victim's confidentiality, these individuals or their office will report the nature, date, time, and general location of an incident to the EEOO/Title IX Coordinator. This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the EEOO/Title IX Coordinator informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the EEOO/Title IX Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the EEOO/Title IX Coordinator. A victim who speaks to a non-professional counselor or advocate must understand that, if the victim wants to maintain confidentiality, the College will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the accused. Even so, these individuals can still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to working or course schedules. Any victim who at first requests confidentiality may change their mind and file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the victim with assistance if the victim wishes to do so.

5. **The Effects of Requesting Confidentiality.** If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the College must weigh that request against the College's obligation to provide a safe, non-discriminatory environment for all students, including the victim. If the College honors the request for confidentiality, the College's ability to meaningfully investigate the incident and pursue disciplinary action against the accused may be limited. There are times, however, when the College may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all employees and students. The College has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence: EEOO/Title IX Coordinator, Vice President of Student Services, and Director of Public Safety Department.

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, San Juan College will consider a range of factors, including the following:

- a. The increased risk that the accused will commit additional acts of sexual or other violence;
- b. Whether there have been other sexual violence complaints about the same accused individual;
- c. Whether the accused has a history of arrests or records from a prior school indicating a history of violence;
- d. Whether the accused threatened further sexual violence or other violence against the victim or others;
- e. Whether the sexual violence was committed by multiple perpetrators;
- f. Whether the sexual violence was perpetrated with a weapon;
- g. Whether the victim is a minor;
- h. Whether the College possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- i. Whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could cause the College to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the College will, most likely, respect the victim's request for confidentiality. If the College determines that it cannot maintain a victim's confidentiality, the College will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the College's response. The College will remain mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or College employees, will not be tolerated.

Regardless of a victim's decision on confidentiality, the College will continue to support and assist the victim as outlined in this policy.

P. The Importance of Reporting Sexual Violence and Misconduct to Law Enforcement and Preserving Evidence

1. Persons who are in danger of or undergoing an event of sexual violence or sexual misconduct should immediately call 911.
2. Persons who have just experienced an incident of sexual violence or sexual misconduct are encouraged to report the incident as soon as possible to the Farmington Police Department by calling 911 or 334-6622.
3. Persons who have experienced sexual violence or sexual misconduct in the past are still encouraged to report the incident to law enforcement, regardless of when it occurred.

4. The ability to obtain and preserve critical evidence in sex related crimes diminishes over time. The earlier a victim reports an incident of sexual violence or misconduct, the greater the opportunity to collect helpful evidence (particularly medical evidence), provide clear and detailed information about what happened, and identify and get statements from eyewitnesses.
5. Early reporting helps preserve evidence. San Juan College encourages timely reporting. Victims can decide later whether they wish to continue pursuing criminal charges.

Q. Amnesty from Disciplinary Action for Reporting Sexual Violence and Sexual Misconduct:

San Juan College's primary concern is the safety of students, staff and faculty. While College staff and faculty must report incidents of students experiencing sexual violence or misconduct, the College strongly encourages **all** members of the campus community to report instances of sexual violence or misconduct. San Juan College will grant amnesty from adverse action under College policy to students who may have violated the Student Code of Conduct's prohibition on the use or possession of alcohol or drugs at the same time they experienced sexual violence or misconduct. Therefore, no drug or alcohol-related charges under the Student Code of Conduct will be applied to a student who reports that they were using drugs or alcohol at the time they experienced sexual violence or misconduct. In addition, bystanders who attempt to intervene and/or report acts of sexual violence or misconduct directed to others will also be given amnesty from adverse action under College policy for Student Code of Conduct violations occurring at the time of the report. However, students should understand that any violation of state or federal criminal law involving the use and/or possession of alcohol or illegal drugs may result in prosecution, and San Juan College cannot grant amnesty from proceedings in the criminal justice system. Decisions about prosecutions are made by the San Juan County Attorney's Office in the state criminal justice system and by the U.S. Attorney's Office in the federal criminal justice system.

R. Bystanders' Obligation to Assist and Report Acts of Sexual Violence as Sexual Misconduct:

San Juan College expects all members of the campus community to take reasonable and prudent actions to prevent or stop an act of sexual misconduct. San Juan College will help educate and engage bystanders to be an effective tool to help prevent acts of sexual misconduct. Bystanders can help in several different ways, including direct intervention, seeking assistance from an authority figure, notifying the Public Safety Department, or call the Farmington Police Department. Remaining silent or thinking it is someone else's problem is not an ethical or reasonable position.

1. Observation of an act of sexual misconduct: It is important to understand that no individual has the right to be violent, regardless of whether people are in a relationship. Recognizing when acts of sexual misconduct are occurring is the first step to intervention. San Juan College's sponsored education and training programs will give information on recognizing when sexual misconduct is taking place. Bystanders should only attempt to personally intervene if it can be done safely – violence does not stop violence, and, if they cannot stop the act with their words, they should call the Public Safety Department or Farmington Police Department. Bystanders are encouraged to ask other students and College employees for help.
2. Assisting Victims to Confide and Disclose Sexual Misconduct: When persons confide and disclose being victims of sexual misconduct, members of the College community who receive that information should let the victim tell their story and should listen respectfully and help them explain and identify what happened to them. They should help victims identify appropriate avenues for assistance. Victims should be helped to feel safe and encouraged to seek medical attention and counseling. They should be encouraged to report the incident to the EEO/Title IX Coordinator and the Farmington Police Department. Being kind, understanding and non-judgmental can be a positive force for helping victims make formal report and recover from such events.

S. Supervisor Responsibilities:

1. Every supervisor (including faculty members in the academic setting) has responsibility to take reasonable steps to prevent acts of discrimination or sexual harassment, which include, but are not limited to:
 - a. Monitoring the work and school environment for signs that discrimination or harassment may be occurring;
 - b. Refraining from participation in, or encouragement of, actions that could be perceived as discrimination or harassment (verbal or otherwise);
 - c. Stopping any observed acts that may be considered discrimination or harassment, and taking appropriate steps to intervene, whether or not the involved individuals are within their line of supervision; and
 - d. Taking immediate action to minimize or eliminate the work and/or school contact among individuals where there has been a complaint of sexual harassment, pending the completion of the investigation.

If a supervisor (or faculty member in the academic setting) receives a complaint of alleged discrimination or sexual harassment, or observes or becomes aware of conduct that may constitute discrimination or sexual harassment, the supervisor (or faculty in academic setting) must immediately contact the EEO/Title IX Coordinator.

Failure to take the above action to prevent the occurrence of or stop known discrimination or harassment may be grounds for disciplinary action in accordance with provisions of the *San Juan College Employee Handbook*.

T. Relationship to Freedom of Expression:

San Juan College is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental rights and this policy is not intended to stifle teaching methods or freedom of expression. Discrimination or sexual harassment, however, is neither legally protected expression nor the proper exercise of academic freedom; it compromises the integrity of this institution, the tradition of intellectual freedom and the trust placed in the institution by its members.

U. Reducing Risks and Recognizing Warning Signs for Sexual Violence and Sexual Misconduct

1. The following are steps that can help reduce the risk of sexual assault. When considering these actions, it is important to remember that two-thirds of victims of sexual assault already know the perpetrator:
 - a. Be aware of your surroundings, know where you are, who is around, and options for leaving.
 - b. Use well-lit and traveled routes and never put headphones or ear buds in, if alone.
 - c. Avoid isolated areas.
 - d. Avoid becoming isolated with someone you do not know or trust.
 - e. Always walk with a purpose.
 - f. Avoid carrying lots of packages or bags.
 - g. Trust your instincts. If a situation makes you uncomfortable, get out.
 - h. Go to and leave parties with friends.
 - i. Practice safe drinking precautions – watch your drink, get your own drinks, do not leave drinks unattended, and avoid punch bowls and large communal containers.
 - j. Always practice the buddy system.
 - k. Be true to yourself. Do not feel obligated to do to or do anything you do not want to.
 - l. Have a ‘code’ word to alert friends you are uncomfortable or in trouble.
 - m. Always think about an escape route.
 - n. Make no commitments or decisions while under the influence of drugs or alcohol.
 - o. It is better to make an excuse and leave than to stay and be a victim.
 - p. Never give out personal information to strangers about where you live or your living arrangements in person or on line.

- q. Only agree to meet new people you have met on line in public settings and always take a friend with you.
 - r. Always keep your gas tank more than half full, keep your car doors locked, and tell others of your planned travel route.
 - s. Always have your cell phone in your car and a charger in the car.
2. The following are warning signs of potentially abusive behavior in a close personal relationship. Acting on the appearance of warning signs is the key to avoid being the victim of date violence, spousal violence, and stalking.
- a. Does the person abuse alcohol or drugs?
 - b. Does the person have a history of legal trouble, fighting, or destroying property?
 - c. The other person will not work or go to school.
 - d. Do they blame you for everything bad that happens or blame you for how they treat you?
 - e. Do they abuse other family members?
 - f. Do they call you and others names and put you and them down?
 - g. Are they always angry at something or someone?
 - h. Do they try to control where you go or who you see?
 - i. Do they try to isolate you from family and friends?
 - j. Do they demand sex or try to force you to be sexual, even when you do not want to be?
 - k. Are they physically rough with you (push, shove, pull hair, restrain, etc.)?
 - l. Do they take your money or belongings without asking?
 - m. Do they accuse you of being unfaithful, cheating on them, or “coming on” to others?
 - n. Do they reject your thoughts, feelings or opinions and refuse to listen to you?
 - o. Do they put you down or insult you in front of others or call you dumb, fat, stupid, or say that no one else would want you?
 - p. Threaten to kill themselves or you if you break up with them?
 - q. Do they experience extreme mood swings?
 - r. Do they constantly compare you to their former partners?
 - s. Are you afraid to break up with them?
 - t. Do you feel they control every aspect of your life?
 - u. Do you avoid certain subjects or activities that make them mad?
 - v. Do you tell yourself that if you try harder or love them more, things will get better?
 - w. Are you crying more often, feeling increasingly depressed and unhappy?
 - x. Do you obsess over how to keep your partner “happy”?
 - y. Do things with your partner only seem to be getting worse and worse?

V. Education and Training Programs to Implement and Support Policy on Discrimination, Harassment, and Sexual Misconduct on Campus

San Juan College will implement and support this policy with the training and educational events and activities outlined below:

1. Provide training on sexual misconduct for all new and existing students and new and existing employees via online training on the Canvas Intracampus System.
2. Sponsor and conduct annual workshop/seminar on domestic violence and sexual assault during Sexual Assault Awareness Month.
3. Provide links to online training materials in the web-based versions of the Annual Course Catalog and Student Handbook.
4. Provide annual training for all Human Resources employees, administrators, and Student Services staff members, along with all investigators and hearing panel members.
5. Provide web-based training on the Department of Public Safety website for risk avoidance and warning signs of potential abusive relationships.
6. Periodically conduct specialized bystander training events and static displays on campus.
7. Make annual and periodic presentations to faculty, staff, and professional staff associates regarding this policy and component parts of this policy.
8. Utilize Student Services and student organizations to support sexual misconduct training opportunities on campus.

W. San Juan College and Community Resources Available to Victims of Sexual Violence or Sexual Misconduct

1. San Juan College Advising and Counseling Center
Educational Services Building, First Floor, Room 4106
Phone: (505) 566-3403
advisingcenter@sanjuancollege.edu
2. Farmington Police Department
900 Municipal Drive
Farmington, New Mexico 87401
Phone: 911 or (505) 334-6622
3. Sexual Assault Services of Northwest New Mexico
622 W. Maple St.
Farmington, New Mexico 87401
Phone: (866) 908-4700; (505) 326-4700; (505) 325-2805
www.sasnwnm.org
4. Desert View Counseling
905 W. Apache

Farmington, New Mexico 87401

Phone: (505) 326-7878

www.desertviewsas.org

5. Family Crisis Center
208 E. Apache
Farmington, New Mexico 87401
Phone: (505) 325-3549; Hotline (505) 564-9192; (888) 440-9192
<http://familycrisiscenternm.org>
6. Home for Women and Children
Post Office Box 1805
Shiprock, New Mexico 87420
Phone: (505) 368-5124; (505) 368-5127
7. DNA Legal Services, Inc.
709 N. Butler Ave.
Farmington, New Mexico 87401
(505) 325-8886
8. New Mexico Children, Youth & Families Department
Phone: (505) 795-1645
cyfd.org/domestic-violence

CHAPTER 15

CONSENSUAL RELATIONSHIP

15.00 GENERAL STATEMENT

It is in the interest of San Juan College to provide clear direction to the college community about the professional risks associated with consensual romantic and/or sexual relationships where a definite power differential and/or a position of authority exists between the parties.

15.01 INDIVIDUALS AND ENTITIES AFFECTED BY THIS PROCESS

Employees and students.

15.02 EXCLUSIONS

None

15.03 RESPONSIBILITIES

Employees with supervisory or evaluative authority engaging in consensual relationships with other employees or students must notify their supervisor.

The supervisor will review the situation with Human Resources to determine an appropriate arrangement for objective decision making between the involved parties which may include moving one or both to another job or the option of terminating the relationship or resigning.

15.04 PRIMARY CONCERNS WITH CONSENSUAL RELATIONSHIPS

Consensual relationships between faculty or other instructional staff and students, or between subordinates are of concern for two primary reasons:

A. Conflict of Interest

Conflicts of interest may arise in connection with consensual romantic and/or sexual relationships between faculty or other instructional staff and students, or between subordinates.

College policy in more general ethical principles precludes individuals from evaluating the work or academic performance of others with whom they have intimate familial relationships, or from making hiring, salary or similar financial decisions concerning such persons. The same principles apply to consensual romantic and/or sexual relationships, and require, at a minimum, that appropriate arrangements be made for objective decision-making with regard to the student, subordinate or prospective employee.

B. Abuse of Power Differential

Although conflict of interest issues can be resolved, in a consensual romantic and/or sexual relationship involving a power differential the potential for serious consequences remains. Individuals entering into such relationships must recognize that:

1. The reasons for entering such a relationship may be a function of the power differential.
2. Where power differentials exist, even in a seemingly consensual relationship, there are limited after-the-fact defenses against charges of sexual harassment; and

The individual in the position of power in the relationship will bear the burden of accountability.

15.05 ISOLATED AND UNINTENTIONAL OFFENSES

A student or employee who, engages in isolated conduct as described in the [Anti-Harassment Policy](#) or who exhibits a pattern of engaging in such harassing conduct, fails to realize that such actions discomfort or humiliate a person, demonstrates insensitivity.

Upon learning of such activities, a member of the College Leadership Team shall direct the person engaged in such conduct to participate in an educational program designed to help the person understand the harm of such activities. If, after participation in the educational program or failing to participate after being directed to do so, a student or employee continues to engage in the conduct described in the anti-harassment policy, the person will be deemed to have engaged in a pattern of conduct intended to discomfort or humiliate the one at whom the actions or statements are directed.

15.06 CONSENSUAL RELATIONSHIP BETWEEN EMPLOYEES

San Juan College strongly discourages romantic, dating or sexual relationships between employees with supervisory or evaluative authority. If a romantic or sexual relationship exists or develops between such individuals, the employee with supervisory or evaluative authority is required to recuse him or herself from participating in any supervisory or evaluative decisions regarding said employee. If that is not practical, then the employee with supervisory or evaluative authority is required to consult with the appropriate dean, supervisor or vice president in the chain of command. The authority shall make arrangements for the unbiased supervision and evaluation of the employee. A case-by-case review shall be made by the appropriate vice president or director in some circumstances an employee may be reassigned.

15.07 CONSENSUAL RELATIONSHIP BETWEEN EMPLOYEE AND STUDENT

Interactions between employees and students at San Juan College are guided by mutual trust, confidence, and professional ethics. Professional employee/student relationships have a power differential and relationships carry risks of conflict of interest, breach of trust, abuse of power and breach of professional ethics.

Employees will not engage in consensual relationships with students whenever the employee has a professional position of authority with respect to the student including the instructor – student relationship and in such matters as managing a department or service area or in otherwise evaluating, supervising, or advising a student as part of a school program. Should a consensual relationship develop, or appear likely to develop, while the employee is in a position of authority, the employee shall terminate the position of authority. Even when the employee has no

professional responsibility for a student, the employee should be sensitive to the perception that a student who has a consensual relationship with an employee may receive preferential treatment.

When an employee/student consensual relationship exists or develops, a position of authority with respect to the student must be avoided or terminated. Avoidance or termination includes, but is not limited to: the student not enrolling in a course; a qualified alternative employee taking the position of authority; transfer of the student to another course, section, seminar, etc., taught by a different faculty member; assigning or transferring the student to another academic advisor; the student dropping a course.

15.08 NON-COMPLIANCE WITH POLICY

Any credible allegation of an employee's failure to avoid or terminate a position of authority while in a consensual relationship obligates the appropriate dean, supervisor or vice president to conduct a prompt and thorough inquiry to determine whether the allegation is true. Persons in violation of this policy shall be subject to disciplinary action. Persons who knowingly make false allegations that a consensual relationship between parties overlaps with a position of authority shall also be subject to disciplinary action.

CHAPTER 16

COMPUTER RESOURCES ACCEPTABLE USE POLICY

16.00 GENERAL STATEMENT

San Juan College owned computer resources are provided to authorize users only for the benefit of the College. Users have no expectation of privacy while using College-owned computer resources.

16.01 INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

- A. All Employees, Students, and the public.
- B. Office of Technology Services (OTS).

16.02 EXCLUSIONS

None

16.03 RESPONSIBILITIES

- A. Each user of any College computer resource, hardware or software agrees to the terms and conditions of this policy. Authorized users will be required to sign a [Computer Resources Acceptable Use Agreement](#).
- B. Office of Technology Services (OTS) will observe, log, monitor and track all use of computer resources in order to assure that the computer resources are only being used by authorized users for official purposes.

16.04 AUTHORIZED USERS

- A. Faculty, staff and enrolled students are authorized to use college computer resources. Members of the general public may also be authorized to use College computer resources with the consent of the College.
- B. Each user of any College computer resource, hardware or software agrees to the terms and conditions of this document.
- C. All computer resources use must be consistent with the College's policies of non-discrimination and sexual harassment.

16.05 MONITORING

- A. The Office of Technology Services (OTS) is authorized to observe, log, monitor and track the use of computer resources at San Juan College.
- B. In the event that a possible improper activity, as defined below, is discovered, Human Resources may provide any evidence obtained to the College and/or law enforcement personnel. If the activity disclosed is criminal, the College may request that prosecution be undertaken by appropriate authorities. In any event, the individual's right to use the system may be suspended until a determination has been made as to whether or not the

use was improper. If improper use occurred, the individual will be notified that their right to access has been terminated.

- C. For users who have access to secured information, monitoring may be used to assure that these users are not sharing security measures (passwords, etc.). Users assume full responsibility for all use pursuant to their security levels and recognize that their assigned resources may be suspended or terminated for the improper use of resources by themselves or by someone utilizing their security measure.
- D. Each authorized user acknowledges that his/her access to computer resources is limited. The use of computer resources for official College business or academic purposes has priority. Individuals discovered to be using computer resources for purposes outside this priority may be required to terminate that particular use by the College.

16.06 INTERNET AND COLLEGE E-MAIL USE

- A. Internet access and College e-mail are provided to facilitate the mission, goals, and business of San Juan College and to conduct College business.
- B. The following rules apply to use of the Internet and College e-mail:
 - 1. Personal use of the Internet and College email is prohibited if personal use interferes or appears to interfere with official College business.
 - 2. Unless specifically authorized, Internet access and College e-mail may not be used for any business or commercial purpose, including personal solicitation.
 - 3. The deliberate receipt or transmission of materials on the Internet or via College e-mail in violation of any U.S. law, law of the State of New Mexico, or policy of San Juan College is prohibited.
 - 4. Internet resources and College e-mail may not be used to transmit or cause to receive any materials that may be judged as objectionable based upon generally applied standards set by the College. Specifically prohibited is the deliberate receipt or transmission of materials that contain gratuitous violence, sexual activity or depictions, obscene language, or computer codes or programs which are intended to affect the operation of computers or networks without the permission of the operator.
 - 5. Violation of policies relating to the use of the Internet may subject the user to termination of access and to other disciplinary action.
 - 6. In addition to termination of access and use, any improper use of College-owned computer resources by College administration, faculty, staff, or students will result in the application of all relevant provisions of the Employee Handbook and the Academic Catalog.

16.07 SOFTWARE

- A. San Juan College licenses the use of proprietary software from a variety of companies. Unless specifically authorized by the owner of the software through the licensing agreement, software and/or documentation relating to the use of the software may not be duplicated. Any unauthorized duplication may result in a termination of access, authorization, or other disciplinary measures.

- B. College employees obtaining software authorization codes acknowledge that they are familiar with licensing agreements on local area networks (LAN) or multiple machines and agree to use the software only in accordance with said licensing.

16.08 COMPUTER LABS AND COMMONS

Installation or modification to Lab and Commons software or operating systems configuration may only be done with the consent of appropriate faculty or Office of Technology Services staff.

16.09 PROPRIETARY SOFTWARE

- A. No proprietary software may be loaded onto any SJC computer without clear licensing authorization. In the event an employee purchases proprietary software for employee's office/classroom, a copy of the license agreement or other written documentation must be forwarded to the Office of Technology Services (OTS) department prior to the installation of the software on the computer system. OTS will maintain the license as part of its master library. Any software installed on College equipment becomes the property of San Juan College while it is resident on a College computer.
- B. In accordance with this license management policy, each authorized user agrees that he or she is transferring all licensing rights in and to any personal software that is loaded onto the college system. The employee acknowledges that any duplicate installation of software into a home or another office system may be a violation of the licensing agreement and that the employee will be liable for any costs or liabilities associated with the unauthorized installation.
- C. If unauthorized software is discovered, the College will, at its option, remove the software or require the owner to obtain a multiple use license for the software. The College will, in any event, retain ownership of the proprietary software loaded on its system by its employees. Anyone who violates or is suspected of violating this policy may have his or her privileges suspended or terminated. If the violator or suspected violator is a member of the general public, the violation of this policy may subject them to a civil action to recover any financial losses.

CHAPTER 17

POLICY AND INFORMATION

FOR DRUG FREE SCHOOLS AND CAMPUSES

17.00 GENERAL STATEMENT

The unlawful possession, use, or distribution of controlled substances is prohibited on college property or while operating college vehicles.

17.01 INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

- A. All San Juan College employees and their supervisors.
- B. Appropriate Vice President, Human Resources, and Employee Assistance Program.

17.02 EXCLUSIONS

- A. Exclusion from this policy is official college functions called by the President under the restrictions specified in the College liquor license.
- B. Students, visitors and guest will follow the Drug and Alcohol Policy and Information as published in the [student handbook](#).

17.03 RESPONSIBILITIES

Employees are expected and required to report to work fit to perform in a safe and efficient manner. San Juan College interprets “employees” in the broadest sense to include all individuals who receive any reimbursement from the college for their services.

17.04 POLICY STATEMENT

Employees are one of San Juan College’s most valuable resources, and their health and safety are matters of serious concern. It is the goal of San Juan College to protect the public health and environment of all members of the College by promoting a drug-free work environment in accordance with the [Drug Free Workplace Act of 1988](#), and the [Drug Free Schools and Campuses Act Amendments of 1989](#). SAN JUAN COLLEGE THEREFORE, PROHIBITS THE UNLAWFUL MANUFACTURE, DISTRIBUTION, DISPENSATION, POSSESSION OR USE OF ANY CONTROLLED SUBSTANCE, ALCOHOL, OR ILLEGAL DRUG ON ITS PREMISES.

Employees have the right to an environment free from the effects of substance abuse. The term substance abuse, as used in this policy, refers to the use of illegal drugs or controlled substances and the consumption of alcohol in quantities to the extent that an individual is unable to perform in a safe and productive manner. Employees who violate the provisions of this policy may be subject to disciplinary action.

San Juan College recognizes drug/alcohol dependency as an illness and major health problem. The College also recognizes drug/alcohol abuse as a potential health, safety, and security problem to the institution. Employees needing help in dealing with such problems may contact Human Resources or their respective Vice President for referrals to available substance abuse education, treatment, and rehabilitation programs, and to obtain information relative to insurance coverage for such programs. Voluntary, conscientious efforts to seek such help will not, per se, jeopardize an employee’s job.

17.05 STANDARDS OF CONDUCT FOR EMPLOYEES

San Juan College policy prohibits the following:

- A.** Use, possession, manufacture, distribution, dispensation or sale of illegal drugs, alcohol or controlled substances on campus premises or while operating college vehicles;
- B.** Being under the influence of an unauthorized controlled substance, illegal drug, or alcohol while on college premises or vehicles;
- C.** Conviction under any criminal drug statute for a violation occurring in the workplace, or under circumstances which adversely affects the college's reputation in the community;
- D.** Exclusion from this policy is official college functions called by the President under the restrictions specified in the College liquor license.

Violation of any of the above stated Standards of Conduct may result in disciplinary action, including termination as described in the Employee Handbook. In addition to possible disciplinary action, the college, at its sole discretion, may refer an employee for assessment. Employees who undergo counseling and treatment for drug/alcohol abuse and who continue to work must meet all established standard of conduct and/or of performance.

17.06 DISCIPLINARY SANCTIONS – EMPLOYEES

When a supervisor reasonably believes that an employee is under the influence of drugs or alcohol, or is violating the boundaries of this policy, the supervisor will see that the employee is removed to a safe, not threatening environment. An employee's refusal to comply will be considered insubordination subject to discipline. Supervisors will not make diagnoses. Promptly after the removal, the supervisor will review the incident with the appropriate Vice President, or if the employee falls under the direct line of authority of the President, the Vice-President for Administrative Services, the Human Resources Director, the employee and others needed to determine whether sufficient evidence exists to support violation to this policy, and recommend appropriate action.

Failure to follow a directive for substance abuse assessment and/or to improve work performance to an acceptable level will be justification for disciplinary action on the same basis as any other employee whose work performance is unsatisfied.

A. Convictions Under The Criminal Drug Statute

Employees must, as a condition of employment, abide by the terms of this policy and must report their own conviction under a criminal drug statute for violations occurring either in the workplace or during the performance of work-related duties within five (5) days after the conviction, as required by the [Drug Free Workplace Act of 1988](#). Supervisors will inform the Human Resources Director/Vice President through appropriate channels of any notifications received.

B. Education And Training

To assist employees in understanding and avoiding the perils of drug and alcohol abuse, San Juan College will provide ongoing educational efforts to prevent and eliminate drug/alcohol abuse that may affect the college environment. Educational information will be provided about the:

1. the dangers of drug and alcohol abuse in the workplace;

2. the college's policy;
3. the availability of treatment and counseling for employees and students;
4. a description of the applicable legal sanctions under local, state and federal law for the unlawful possession on distribution of illicit drugs and alcohol;
5. a description of health risks associated with the use of illicit drugs of alcohol; and
6. sanctions the college will impose for violations of this policy.

C. Treatment Programs

Early recognition and treatment of drug/alcohol abuse are important for successful rehabilitation. San Juan College encourages the earliest possible diagnosis of and treatment for drug/alcohol abuse. Whenever feasible, the College will assist employees in seeking treatment. However, the decision to seek diagnosis and acceptance treatment is primarily the individual's responsibility.

[Deer Oaks EAP Services](#) – Is provided by San Juan College, at no cost to you. Your participation is completely confidential, and can be utilized by you and your immediate family. It is completely staffed by trained professionals in problem identification and problem solving techniques. It provides a place where you can go for help with the difficulties that impact your life, offering assistance in finding answers for you and your family. Deer Oaks EAP Services, 126 East Main Plaza, San Antonio, TX 78205.

Deer Oaks EAP Services.....	1-866-EAP-2400
Al-Anon & Alateen.....	505-324-6424
Alcohol & Drug Abuse Information HELPLINE-Albuquerque.....	1-800-962-8963
Alcoholics Anonymous Central Office.....	505-327-0731
Charter-Heights Behavioral Health System-Albuquerque.....	1-800-688-6555
Four Winds Addiction Recovery Center.....	505-327-7218
Piñon Hills Behavioral Health System-Albuquerque.....	1-800-234-8000
Presbyterian Medical Services Community Counseling Center.....	505-325-0238
San Juan Counseling Services.....	505-599-9170

17.07 FEDERAL LEGAL SANCTIONS – CONTROLLED SUBSTANCES

Federal trafficking penalties and sanctions for methamphetamine, heroin, cocaine, PCP, LSD, Fentanyl, and Fentanyl Analogs vary depending on the quantity of drugs involved and whether the offense is the first or a repeat offense. Prison sentences range from years to life. Fines for trafficking in these drugs range from two to eight million dollars. Federal trafficking penalties and sanctions for marijuana range from 10 years to life imprisonment, depending on the quantity involved and whether the offense is a first or repeat offense. Fines range from \$250,000 to \$8 million.

17.08 STATE OF NEW MEXICO LEGAL SANCTIONS – CONTROLLED SUBSTANCES

A person who possesses marijuana is guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars or more than one thousand dollars or by imprisonment for a definite term less than one year or both. The seriousness increases with marijuana when distribution is involved. Distribution is defined as transfer to another or possession with the intent to transfer to another.

Possession of cocaine and heroin are fourth degree felonies. Trafficking of either of them is a second degree felony, punishable by up to nine years in the State Penitentiary and/or a \$10,000

fine. Second offenses are first degree felonies punishable by up to 18 years and/or a \$15,000 fine.

17.09 STATE OF NEW MEXICO LEGAL SANCTIONS – ALCOHOL

It is unlawful for any person who:

- A.** Is under the influence of liquor to drive any vehicle within the State of New Mexico. Is under the influence of any drug to a degree, which renders him incapable of safely driving a vehicle to drive any vehicle within this state.
- B.** Has one-tenth of one percent or more by weight of alcohol in his blood to drive any vehicle within this state.

17.10 CITY OF FARMINGTON- CONTROLLED SUBSTANCE/ALCOHOL

It is unlawful for any one person to intentionally possess one ounce or less of marijuana within the city. It is unlawful for any person to sell, offer for sale, display, furnish, supply, or give away any of the following devices or paraphernalia; any cocaine spoon, a marijuana or hashish pipe; empty gelatin capsule, hypodermis syringe, or needle; or any other device primarily adapted for, designed or promote for smoking, injecting administration or consumption of marijuana, hashish, PCP, or any other controlled substance as defined in the statutes of the State of New Mexico.

Section 10-1-1 of the Farmington City Code provides the following penalties for driving while under the influence of intoxicating liquor or drugs:

- A.** First conviction of this offense the minimum punishment shall be imprisonment for 72 consecutive hours and a fine of not more than \$500;
- B.** Upon the second conviction of the offense, the punishment shall be an imprisonment of no less the 72 hours, nor more than 90 days, and a fine of not more than \$500 and;
- C.** On the third conviction, the offender shall be imprisoned for not less than 72 hours, nor more than 179 days, and by a fine of not more than \$1000. The court may also, after an evaluation of the offender for alcoholism, order the offender to undergo a program of alcohol rehabilitation.

CHAPTER 18

TOBACCO-FREE CAMPUS POLICY

18.00 GENERAL STATEMENT

San Juan College is committed to providing a healthy environment in which to learn, work, and visit; therefore smoking and the use of tobacco products are prohibited on all College property except in designated outdoor areas authorized by the College President.

Tobacco use is the single chief avoidable cause of death and disease in our society. Thirty percent (30%) of all cancers are caused by tobacco use. Environmental tobacco smoke has been shown, through research and field studies, to be a harmful air pollutant containing over 4,000 chemicals, including more than 50 known to cause cancer. The National Toxicology Program estimated that at least 250 chemicals in secondhand smoke are known to be toxic or carcinogenic. Exposure to secondhand smoke has been shown to cause lung cancer, coronary heart disease, and other respiratory problems in nonsmoking adults and children. The U.S. Surgeon General concluded there is not a “risk-free” level of exposure to secondhand smoke; even small amounts can be harmful to an individual’s health. The National Cancer Institute stated that smokeless tobacco, including chewing tobacco and snuff, contains 28 different carcinogens proven to cause cancers and other diseases of the lip, tongue, cheeks, gums, and the floor and roof of the mouth.

18.01 INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

- A. All San Juan College employees, students, visitors and guests.
- B. Environmental Health & Safety and Risk Management, Physical Plant, and Public Safety.
- C. All Supervisors, Vice President for Student Services, and Human Resources.

18.02 EXCLUSIONS

Native American religious ceremonies, in which tobacco is used as part of the ceremony, are exempted from this policy.

18.03 RESPONSIBILITIES

Employees, visitors and guests are expected and required to adhere to College policy.

18.04 POLICY APPLICATION

- A. Cigarettes, cigars, pipes, smokeless tobacco (chewing tobacco, snuff, etc.), all other tobacco products, and other legal smoking preparations, including but not limited to, hookahs, electronic cigarettes, and clove cigarettes.
- B. All vehicles on College property, including privately owned vehicles, and all property owned, leased, operated, or under the control of the College.

18.05 DESIGNATED OUTDOOR SMOKING AREAS

Smoking and the use of any tobacco products are prohibited on all College property except in designated outdoor areas authorized by the College President. Smoking and tobacco use are limited to the confines of these clearly marked designated areas and individuals choosing to smoke or use tobacco in designated areas are responsible for properly disposing of all smoking and tobacco litter

in the provided receptacles. The designated areas are provided to create positive transitions for individuals who currently use tobacco as the College phases into a completely tobacco-free environment. As students and employees successfully quit smoking and using tobacco, the number of designated areas will be reduced over a five-year period.

18.06 COMPLIANCE AND COOPERATION

The success of maintaining a healthy environment on our campus requires thoughtfulness, consideration and cooperation between smokers and nonsmokers. In an ongoing effort to enhance awareness and encourage compliance, campus community members are empowered to respectfully inform others about this policy; indeed, enforcement depends upon the cooperation of all employees, students, and visitors not only to comply, but also to encourage others to comply. Together, the community can promote a healthy environment in which to work and study.

Repeated and/or serious violations by students and visitors can be referred to the Vice President for Student Services for review and action under the Student Conduct Rules and the Visitor and Guest Conduct Rules. Repeated and/or serious violations by employees should be referred to their respective deans, directors, or department heads. Students and employees who violate the policy are subject to disciplinary actions. For resources and assistance please see Section 18.07, A and B herein.

18.07 EDUCATION, SUPPORT GROUPS, AND SERVICES FOR SMOKERS AND USES OF TOBACCO PRODUCTS

In light of the numerous adverse health effects associated with active tobacco use, the College will provide information and educational services to employees and students about the hazards of tobacco use and assistance in cessation for those who wish to do so. The College encourages support groups on campus for users of tobacco products in the process of cutting down or quitting.

A. Students

Students may contact the College Advising and Counseling Center and/or their own health care providers, for information and programs.

B. Employees

Employees should contact Human Resources for information and programs. Employees covered by health insurance may contact their health care providers for benefits available under their health plans.

CHAPTER 19

EMPLOYEE STANDARDS

19.00 GENERAL STATEMENT

It is the intent of the College to provide standards of conduct to assure public trust is well placed. Other standards are listed to strengthen the confidence of the citizens of the College and the community.

19.01 DECLARATION OF POLICY

It is the policy of the College that no employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business transaction or professional activity, or incur any obligation of any nature that is in conflict with the proper discharge of his or her duties in the public interest. To implement this policy and to strengthen the faith and confidence of the citizens of the College, there are provided standards of conduct and disclosure requirements to be observed by persons owning a responsibility to the people of the county in the performance of his or her duties. This policy shall serve as a guide for official conduct and as a basis for discipline of those who breach the standards of ethics.

19.02 STANDARDS OF CONDUCT

As public servants, all employees are expected to maintain the highest standards of personal conduct at all times. On the job, nothing but the highest standards of honesty and integrity are acceptable.

Employees must cooperate with their supervisors, follow instructions and perform their work in a professional and competent manner. Employees are expected to perform their work efficiently and to meet established performance appraisal and development expectations.

Employees will maintain an attitude of courtesy and service to other college employees, students and individuals who come into contact with the college. Rude or unbecoming behavior towards customers, students, co-workers or supervisors will not be tolerated.

Employees will acquaint themselves with all College policies, rules and regulations and are expected to comply with them. Failure to comply with College policies, protocols and regulations may result in disciplinary action, up to and including suspension, demotion or dismissal.

A. Employees will not:

1. Accept or solicit any gift, favor, or service that might reasonably tend to influence them in the discharge of their official duties or that they know or should know is being offered them with the intent to influence their official conduct.
2. Use their official position to secure special privileges or exemptions for themselves or others except as may be provided by law.
3. Accept other employment or engage in any business or professional activity that they might reasonably expect would require or induce them to disclose confidential information acquired by them by reason of their employment with San Juan College.
4. Disclose confidential information gained by reason of their position, nor shall their otherwise use such information for their personal gain or benefit.

5. Transact any business in their official capacity with any business entity of which they are an officer, agent, or member, or in which they own an interest.
6. Make personal investments in any enterprise that will create a conflict between their private interests and the public interest.
7. Accept other employment that might impair their independence or judgment in the performance of their public duties.
8. Conduct themselves in such a manner as to alienate themselves from their students, fellow employees, and/or the public they serve.

B. Disclosure of Interest

1. **Certification of No Interest:** Any employee in the preparation of specifications, recommendation, execution, or administration any purchase or contract for the purchase of goods or services by the College (other than employment contracts) is deemed to have certified in writing that they do not have a substantial interest in any business entity that is a party to or receives direct financial benefit from San Juan College's purchase or contract.
2. **Non-Certification:** If in any case employees who are or who anticipate that they will be in breach of the above certification, they shall immediately notify their immediate supervisor of such fact, identify the business entity in which they have a substantial interest, and disclose the nature and extent thereof. The President shall take appropriate action as may be deemed necessary to avoid a conflict of interest with regard to such transaction.

C. Non-Compliance

The failure of employees to comply with one or more of the provisions of this policy that apply to them shall constitute cause for termination of employment, subject to right of hearing.

[San Juan College Board Policy #508](#)

19.03 FUNDRAISING

San Juan College will sanction fundraising in support of student club activities and those other activities that support program or departmental funding needs. The San Juan College name cannot be used to solicit or market any activity that is not associated with a college club, foundation, or grant sanctioned activity. Individuals with questions about donations and fundraising should contact the San Juan College Foundation Executive Director.

A. Protocol

If a group is not officially registered with Student Activities as a club, fund-raising is strictly prohibited. Ideas for fund-raising can be presented to the Executive Director of the Foundation but must be pursued through that office and not independently.

1. Student Activities/Club Donations

This includes specific donations for student clubs, under the guidance of the Director of Student Activities, not the San Juan College Foundation Office. Activities include Club Raffles, door prizes, bake sales, etc.

Student clubs are allowed one major fundraiser during the fall and spring semester (two per year, summer could be one of the two). Bake sales are not included as one of these major fundraisers.

2. **Corporate Donations/Programs or Departments/Committee Funding Needs**

Donations are defined as a voluntary and permanent contribution of resources to a governmental entity by a non-governmental entity.

All corporate or tax-deductible donations and grant proposals are subject to approval prior to acceptance of the materials or funding.

No employee, student, or volunteer of San Juan College is to approach a corporation, business, industry, or civic group representing SJC or its programs without approval of the Executive Director of the SJC Foundation. The only official solicitors for the college are the Foundation.

All contacts by external sources who would like to donate materials or funds shall be forwarded to the Foundation Office for consideration.

[Fundraising Protocol](#)

3. **Donations**

The Donations Acceptance Committee (DAC) shall accept no gifts of goods, materials, or property (real or otherwise), without complete signature approval. This approval process includes the signature of the appropriate Dean, Vice-President, and President.

[Donations Form](#)

19.04 OUTSIDE EMPLOYMENT

Engaging in employment outside the college for remuneration, although not encouraged, is not prohibited. The following guidelines must not be affected by the employees outside employment:

- A. It does not impair the ability of the employee to perform the duties and responsibilities required by the employee's position in an acceptable manner.
- B. It does not adversely affect the purpose of the college.
- C. It does not require the use of confidential or inside information to which the employee has access.
- D. The employee does not solicit business from fellow employees under coercive or intimidating circumstances.
- E. The employee is not being compensated by any person or business for any duties which the employee has an obligation to perform for the college.
- F. Employees of the college may not use college property or equipment for non-college use during working hours without prior administrative approval.

Employees who have engaged in second employment must notify their supervisor, dean, and/or appropriate vice president. **Employees of the college may not engage in outside business activities while on duty.**

19.05 PROCUREMENT

It is unlawful and against board policy for any Board member or College employee to participate directly or indirectly in procurement when the employee knows that the employee or any member of the employee's immediate family has a financial interest in the business seeking or obtaining a contract or purchase award. ([Section 10-16-4 NMSA 1978 Governmental Conduct Act](#))

19.06 ON-CAMPUS SOLICITATIONS

- A.** Requests to present, distribute information, or to sell items of a commercial nature on campus to San Juan College faculty and/or staff are to be submitted to the Vice President for Student Services for approval. Approval of presentations, distribution of information of a solicitous nature or selling of merchandise may be limited to after work hours to ensure that employee's work responsibilities are not interrupted. Mailing lists or home phone numbers of college employees will not be provided.
- B.** Requests to present or distribute information on campus to students are to be submitted to the Vice President for Student Services or designee for approval. Displays or handout materials designed for students, if approved may be placed on specific bulletin boards and locations on campus. The campus does not allow the posting of political materials. All materials to be posted must have the approval of the Office of Student Activities.
- C.** Individuals or groups may schedule San Juan College facilities, as available, through the Office of Learning.
- D.** Invitations from classes/instructors to give a presentation have the responsibility to show all significant sides of a topic. For example, if a political candidate desires to make a presentation, or is invited to do so, other candidates running for the same office are to be afforded the same opportunity. The Marketing and Public Relations Office should be notified of all on-campus presentations made by outside guests.

19.07 PROPER USE AND CARE OF FACILITIES

No alterations will be made to San Juan College building facilities and property by any employee without prior expressed approval of the appropriate Vice President and College President. Any violation of this policy will be interpreted as insubordination and will constitute grounds for disciplinary action. Employees of San Juan College are responsible for the proper use and care of San Juan College buildings, equipment and furnishings. Supplies, equipment, and facilities are not to be used for personal purposes or projects unless approved by the appropriate vice president or college president as it is relevant to the college or college activities. All employees of San Juan College will use equipment and furnishings for the purposes and in the manner for which intended.

Employees will discourage the improper use or abuse of facilities and equipment by students or members of the public. When the discouragement of such practice is disregarded, employees will notify their immediate supervisor at once.

No item of equipment or furnishings assigned to a specific classroom, laboratory, office, work station, or other designated area will be moved to any other permanent location or area without specific prior approval of the appropriate dean.

Manufacturer's instructions for the use and care of equipment and furnishings will be followed. Malfunctioning equipment should be reported to an employee's immediate supervisor at once.

All employees will use available measures to provide security for equipment and furnishings at the close of each work day or instructional period.

19.08 CHANGE OF NAME AND ADDRESS

Employees are required to notify the Human Resource Office of any change of name, address, or telephone number by using the [Change of Name and Address form](#) so that employees may be contacted at all times.

19.09 KEYS

Key issuance will be approved by the appropriate school dean and the vice president. Keys are issued by Support Services. To initiate any key request, use the [Key Request form](#). After completing the form online, print and obtain the necessary approval signatures, and submit to Support Services.

During the extended college class days, the exterior doors will be unlocked and locked by security.

After 11:00 p.m. until 6:00 a.m. and weekends, San Juan College campus is, for the most part, closed.

- A. Any employee who plans to work during this time must provide Public Safety with prior notice. Failure to comply will result in a formal report submitted to the Vice President for Student Services. The report will be forwarded to the appropriate vice president for appropriate action.
- B. On weekends, employees are requested to notify Security when they arrive and leave campus. Public Safety may be contacted by phone at extension 3333.
- C. Employees working after dark in remote areas should contact Public Safety upon arrival and departure. If an escort is desired, this will be provided upon request.

Upon separation from the college, keys previously issued will be turned in to Support Services prior to final clearance of payroll. Keys are not to be copied, loaned, or given to other staff or students.

19.10 MAILING PRIVILEGES

Postage is provided only for mail that is "official business". Cooperation is expected to ensure that the most economical class of mail is used.

19.11 TELEPHONE CALLS

Long distance telephone calls for personal business are prohibited. Telephone usage should be limited to college business. Abuse of telephone privileges may result in disciplinary action. Abuse includes not only personal calls, but repeated use of college telephones for extraordinarily long business calls.

19.12 TRAVEL

College employees are considered in “travel status” whenever traveling on official College business regardless of whether or not expenses are incurred. Please visit the [Travel Protocol](#) for more information.

CHAPTER 20 SAFETY

20.00 GENERAL STATEMENT

The college is committed to providing a safe and healthy work and educational environment, free from recognized hazards that may cause injury and/or property damage. San Juan College complies with the [New Mexico Health and Safety Act](#) (NM OSHA).

20.01 INDIVIDUALS AND ENTITIES AFFECTED BY THIS PROCESS

Employees, students, and the community.

20.02 EXCLUSIONS

None

20.03 RESPONSIBILITIES

Employees share a responsibility to participate in mandatory training; properly use Material Safety Data Sheets (MSDS), materials and equipment as labeled as intended; use good judgment in following work assignments and established procedures and protocols; report unsafe conditions, hazards, injuries or illnesses; and adhering to college, local, state, and federal laws and regulations.

Supervisors, faculty and other persons of authority are also directly responsible for providing safe and healthy environments for their areas including students and employees. This may include serving on the Loss Control & Safety (LC&S) teams, participating in LC&S requirements such as bi-annual safety self-inspections, providing proper training, and working collaboratively with safety-related departments and authorities.

20.04 DEPARTMENT OF ENVIRONMENTAL HEALTH AND SAFETY AND RISK MANAGEMENT

It is the College's intention that employees and students work under the safest conditions possible and receive timely information, training, and supervision. The college supports compliance with all federal, state, and local laws and regulations.

Environmental Health and Safety & Risk Management (EHSRM) is the department that oversees safety-related areas to include but not limited to personal protective equipment (PPE), approved drivers, contracts/agreements/etc.; notary bonds; property/auto/professional liability/etc. insurance (not employee health insurance); college-owned vehicle information; and safety protocols.

Please visit the San Juan College [EHSRM website](#) or contact the department for assistance.

20.05 DEPARTMENT OF PUBLIC SAFETY

To aid in providing a safe campus for everyone, the College provides Campus Community Emergency Response information. It outlines the response for all students, employees and guests of San Juan College in the event of an emergency on campus.

Please visit the [Department of Public Safety](#) to access our complete response list for the following: Active Shooter, Explosion on Campus, Gas/pipeline Disruption, Hazardous Material Spill Cleaning, Hazardous Material Spill Emergency, Medical Emergency, and Pandemic Outbreak.

For more information, questions, or if you would like more details please contact the Department of Public Safety at 566-3263 or 215-3091 any time.

Physical Plant also assists in emergency situations including gas leaks, fire, and other safety concerns. Contact information is located on the [Physical Plant website](#).

20.06 SAFETY AND ANIMALS ON CAMPUS

The intention is to protect the college from various safety issues including those associated with animals on campus. All members of the campus community are required to comply with all aspects of the policy on animals. San Juan College recognizes that wild or feral animals may select the campus grounds as their habitat, and that occasionally owners of domestic animals will bring their animals to the campus. However, the college considers the safety and health of students, staff, faculty, and visitors to be its first priority.

The Department of Public Safety is responsible for providing, when necessary, the final determination of risk, potential hazard, potential for property damage, or potential for public nuisance of any animal on campus property.

A. PURPOSE

1. Provide protection of the college community from injury or illness associated with the unauthorized presence of domestic animals on campus, as well as to minimize classroom disruption and unnecessary maintenance and sanitation problems.
2. Help maintain the delicate balance required to sustain all wildlife on the campus grounds without human intervention, rather than to protect any one species of animal. The achievement of such balance requires the cooperation of all members of the campus community.
3. Apply to all animals on campus not directly related to an instructional activity.
NOTE: Laboratory use of animals requires adherence to numerous and strict governmental laws and regulations.
4. The abandonment of animals on campus grounds is strictly prohibited.
5. Wild or feral animals that are a potential safety risk, represent a known hazard, cause property damage, or create a nuisance/hindrane to the normal course of daily human activity on campus will be regulated, controlled, and humanely dealt with (including relocation where feasible) in accordance with all applicable laws and regulations.
6. Domestic Animals

- a. Dogs, cats, and other animals may not enter campus buildings. This paragraph does not apply to guide dogs, or service dogs, as defined by appropriate civil codes, while accompanying a person with disabilities. [28-11-3 NMSA 1978](#).
- b. Dogs, cats, and other animals must be under control while on campus grounds, and restrained by a leash or chain, that is in the hands of the person responsible for the animal.
- c. Any dog, cat, or other animal brought to campus must be licensed and fully inoculated, with the burden of proof on the owner. [77-1-15 NMSA 1978](#).
- d. Fecal matter deposited by any dog, cat, or other animal brought to campus must be removed immediately by the owner.
- e. Domestic animals found tethered, unattended, or abandoned, will be humanely impounded and turned over to local animal control offices in accordance with all applicable laws and regulations.
- f. Domestic animals may be permitted to be confined and/or leashed in vehicles parked on campus for reasonable periods of time, provided the animal is not endangered (e.g., heat stress) and does not endanger others or create a public nuisance (e.g., excessive barking). In the case of animals in the back of open pickup trucks, such animals shall be restrained by leash or chain. In the event of endangerment to the animal or others, the college will attempt to locate the owner, reserves the right to remove the animal to safety if needed, and cite the owner if necessary. Such conditions should be promptly reported to Safety & Security (Ext. 3333).

7. Special Events

In special circumstances, approval may be obtained from the Security Office for animals to be brought on campus for a singular event involving the display or demonstration of specialized skills or natural behaviors.

B. NON-COMPLIANCE

Employees or students who fail to comply, or who interfere with enforcement of this policy may be subject to corrective or disciplinary action. If a policy violation has been observed, call the Department of Public Safety (ext. 3333) who will, in conjunction with local animal control, take appropriate action.

20.07 SERVICE ANIMALS AT SAN JUAN COLLEGE

Under federal law, Service Animal means “any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purpose of this definition. The work or tasks performed by a Service Animal must be directly related to the individual’s disability.” *See* 38 C.F.R. § 35.104. Examples of work or tasks include, but are not limited to, assisting individuals

who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.

The provision of emotional support, well-being, comfort, or companionship do not constitute work and do not qualify a dog as a Service Animal.

Under New Mexico state law, a qualified Service Dog or qualified Service Miniature Horse means “a dog or miniature horse that has been trained or is being trained to provide assistance or perform tasks for the benefit of an individual with a disability who has a physical or mental impairment that substantially limits one or more major life activities. Service Animals do not include emotional support animals, comfort animals or therapy animals.” *See* § 28-11-2(b) and (c) NMSA (1978).

A. PROTOCOL

San Juan College is to meet the requirements of state and federal law regarding accommodations for Service Animals and it supports the use of Service Animals on campus. Service Dogs will not be excluded from San Juan College or San Juan College activities. San Juan College shall make all reasonable accommodations to individuals with disabilities unless such accommodation would fundamentally alter the nature of the services provided by the College. College protocol allows Service Animals everywhere on campus.

B. OBLIGATIONS OF SERVICE DOG OWNERS

1. Under federal law, San Juan College will request a Service Dog owner to remove their dog:
 - a. If the Service Animal is out of control and the animal’s handler does not take effective action to control it; or
 - b. The animal is not housebroken (*see* 38 CFR § 35.136(c)(2) and 38 CFR §36.03(c)(2)).
2. An animal under the handler’s control must have a harness, leash, or other tether unless either the handler is unable because of a disability to use a harness, leash or tether; or the use of a harness, leash or other tether would interfere with the Service Animal’s safe and effective performance of work or tasks, in which case, the Service Animal must be otherwise under the handler’s control (*e.g.* voice control, signals, or other effective means). *See* 38 CFR §35.136(c)(4) and 38 CFR §36.302(c)(4).
3. State law and Farmington municipal ordinance may put other obligations on Service Dog owners. San Juan College does not enforce these requirements.
4. Presenting a dog as a qualified Service Animal when they, in fact, are not qualified is illegal. *See* §28-11-6(A) NMSA (1978).

C. OBLIGATIONS OF SAN JUAN COLLEGE

1. San Juan College is not responsible for the care or supervision of a Service Animal.
2. San Juan College is not responsible for cleaning up after the Service Dog.
3. San Juan College is not required to accommodate a Service Animal if that accommodation poses a direct threat to health or safety of others. The determination of a direct threat will be made on an individual assessment and reasonable judgment. *See* 38 C.F.R. §36.201(a) and (b).
4. If it is not obvious what service the animal provides, San Juan College will ask:
 - a. Is the dog a Service Animal required because of a disability; and
 - b. What work or task has the dog been trained to perform.

D. WHAT SAN JUAN COLLEGE WILL NOT DO

1. Ask you for proof or certification of a Service Dog training;
2. Ask you for proof of licensure or vaccination for your Service Dog (although state law and municipal ordinance require this);
3. Ask you to prove or demonstrate your Service Dog's abilities or controllability;
4. Ask you to remove a qualified Service Dog unless it is out of control and you do not take action to control it or it is not housebroken (defecates or urinates inside College buildings).

E HOW YOU CAN HELP SAN JUAN COLLEGE HELP YOU AND YOUR SERVICE ANIMAL (NOT REQUIREMENTS, BUT COMMON SENSE REQUESTS)

1. Contact the San Juan College Disability Service Office and let them know that you are bringing your Service Animal on campus. This lets the College advise your professors so we can properly accommodate you and your dog and other students as you participate in classes and College activities.
2. Let us know of requests or instructions you have relating to your Service Dog so we can educate others about avoiding interference with your Service Dog.
3. Let us know if you encounter problems, difficulties, or interference issues related to your Service Animal. We cannot solve a problem if we do not know about it.
4. If the use of your Service Animal does not meet your needs or if there are problems with your Service Dog's behavior, let us know so we can come up with another way to provide you necessary services related to your education and activities on campus.
5. At the present time, San Juan College does not permit emotional support, wellbeing, comfort or companionship animals on campus. Please do not bring non-service dogs onto campus as they will not be allowed to remain and you will be asked to remove them.

If you have any questions or need more information about Service Animals at San Juan College, please contact the Disability Service Office, located in the Educational Services Building (Clock Tower Building), Room 4114 (in the Advising and Counseling Office), or call (505) 566-3271.

20.08 SAFETY AND CANDLE BURNING

The burning of candles is an unnecessary fire hazard represented by any materials of a burning, open-flame nature, and the burning of scented candles can be a significant sources of respiratory and eye problems for certain individuals. Such individuals may be hyper-sensitized (allergic) to the airborne chemicals released by these products, or perhaps an exposed individual suffers from

“MCS” (multiple chemical sensitivity), in which case their suffering is exacerbated by inhaling such combustion byproducts in the workplace or classroom.

The burning of candles (scented or otherwise), incense, or similar materials is prohibited in all indoor locations, at all facilities owned or operated by San Juan College. Any exceptions to this policy, e.g., for special events, etc., must be pre-approved by the Director of Environmental Health and Risk Management.

20.09 DISRUPTION OR INTERRUPTION OF CLASSES

Classes at San Juan College should not be disturbed or interrupted unless there is an emergency. The Behavioral Intervention Team (BIT) has been created to provide caring, preventive, early intervention with individuals whose behaviors is disruptive or concerning.

Visit the [BIT website](#) for more information or the procedures for submitting a report.

Law enforcement personnel needing to execute a warrant or otherwise contact an individual should first contact the [Department of Public Safety](#) and notify them of the nature of the business.

GLOSSARY

Academic Year: Begins with Fall semester and extends through Spring and Summer semesters.

Adjunct Faculty: Adjunct instructors are considered at-will employees and shall be compensated at a per-credit hour or contact hour rate as annually determined by the Board. Adjunct faculty are not eligible for benefits, overtime or holiday pay except as required by law.

Administrative: An employee who must spend more than 50 percent (50%) of his time performing office or non-manual work relating to management policies or functions directly related to academic instruction or training.

Annual Market Adjustments: An increase that may occur when a market study (or salary survey) is conducted to determine if salaries are still competitive. The results may be individual employees receiving adjustments to their base salary and/or salary grades being adjusted. This would depend upon available funds of the College.

Appellant: The employee who, after final notices of termination, wish to file formal appeals.

At-Will: The employment of employees during their probationary periods, temporary employees, adjunct faculty, conditional employees, and work-study employees, is considered “at will” employment. This means that the College may terminate the employment of employees in these categories at any time for any non-discriminatory reason, with or without notice or cause. Likewise, these employees may quit their employment, with or without notice, at any time. The College’s termination of at-will employees is final and binding, and not subject to any disciplinary or grievance procedure. Nothing in this handbook or any other policy or practice of the College may be interpreted to alter the at-will status of these at will employees in any way. This at-will policy may only be modified in writing. To be effective, such modification must specifically mention this policy and must be signed by the President of the College.

Bank Manager: The Human Resources employee appointed to administer the sick leave bank.

Catastrophic injury or illness: A severe condition or combination of conditions affecting the mental or physical health of the employee that requires the services of a licensed physician for a prolonged period of time and that forces the employee to exhaust all accrued annual and sick leave. A qualified illness or injury might include, but is not limited to, cancer, major non-elective surgery, a serious accident, a heart attack, or complications of pregnancy.

Conditional: An employee hired into a position created within a fiscal year, but outside of the budget approval process, to address an unplanned, immediate, and/or critical organizational need. Employment is limited to a maximum of one fiscal year period.

Consensual relationship: Any dating, romantic, sexual or marriage relationship.

Continuing Contract Status: Is defined as an employment status acquired after a faculty member successfully completes three full years of employment that ensures due process rights before contract non-renewal.

Contact Hour: A minimum of 50 minutes in which a student has contact with an instructor; includes both lecture and laboratory time.

Contract Requirements: Faculty is required to teach 30 credit units with the academic year. Exceptions may include 20-29 credit units on a pro-rated salary.

Cooperative Education Course: Is defined as a learning experience which may combine an optional lecture or seminar with an advanced student work experience.

Credit Unit: The unit of credit earned for course work. The standard measurement is a minimum of 750 minutes, regardless of delivery method or length of term.

Department Chair/Lead Faculty: A position title assigned by the Dean to describe a specific number of administrative duties.

Duty Days: The days in which full time faculty members are required to be performing faculty duties during their contract period.

Employee (specific to Consensual Relationship): A full or part-time individual employed in the service of the college who is receiving compensation.

Executive: An employee who spends more than 50 percent of his/her time in management of an organized unit of the College.

Extended Illness: Is defined as a medical condition that is documented by a physician that lasts longer than 5 duty days (i.e., birth of a child, recovery from surgery, cancer treatment, etc.)

Exempt: An employee who is not paid for overtime hours worked in accordance with the regulations and salary threshold set forth by the Fair Labor Standards Act (FLSA).

Faculty Positions: The primary function of a full time faculty member is classroom instruction. A full-time faculty member is normally contracted to teach 30 credit units between Fall and Spring semesters within the academic year.

Fair Labor Standards Act (FLSA): Requires that non-exempt employees be paid at least federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked in excess of 40 hours in a work week.

Family Medical Leave: The Family and Medical Leave Act of 1993 provide up to 12 weeks of unpaid, job-protected leave to “eligible” employees for certain family and medical reasons.

Grievance: Grievances are complaints by employees arising from working relationships, working conditions, and employment practices including harassment or unfair treatment. Grievances other than sexual harassment and discrimination follow the Dispute Procedures.

Independent Study: A one-on-one arranged learning commitment made between a school dean and a student to address individual course needs.

Internal Equity: When a job candidate is being considered for hire, the prospective new employee's starting salary should typically not exceed the salary of any existing regular employee in the same job title and work unit who has comparable or greater qualifications. The school, program, and subject matter will also be taken under consideration. If it becomes necessary to offer the candidate a higher rate of pay under these conditions the hiring manager must consult with human resources.

International Courses: Is defined as a course involving international travel that has an approved syllabus with structured interactions between faculty and students.

Internship Education Arrangement: Is defined as a learning experience which may combine an optional lecture or seminar with student work experience.

Laboratory: A setting in which students perform tasks as largely self-directed activity, and the instructor is present, monitors student activity, and provides individual instruction/assistance.

Learning Communities: Is defined as two or more courses combined as a learning experience where faculty and classes are combined into a cohort with integrated projects common to each course.

Lecture: A formal presentation that could include student discussion, small group work, and computer work. General lecture implies continuous engagement and/or interactions between the instructor and students. In no case shall the total number of load hours assigned to a course be less than the credit hour assignment for that course.

Licensed physician: A practitioner who is practicing within the scope of his/her license.

Off-Site Faculty: Is defined as faculty not having a campus office and 100% of teaching load is made up of on-line classes.

On-Call: An employee hired to work schedules with no particular hours or duration. The employee who occupies this position may also be expected to work an on-going but irregular schedule OR to work short-term temporary schedules OR to work on-call. Such positions are not eligible for benefits.

On-Line Instruction: Is defined as courses taught through the on-line delivery mode that meet the same course objectives, standards, and learning outcomes as on-site courses.

On-Site Faculty: Is defined as faculty having a campus office along with on-campus duties and responsibilities.

Overload: Is defined as credit hours assigned to a faculty member over the contractual limit of 15 a semester or 30 an academic year.

Overload Bank: A faculty member may accumulate, in lieu of pay, overload credit units up to 15 to be scheduled and used to take a full term off with full pay and benefits.

Position of authority: Includes, but may not be limited to situations in which the employee makes or is responsible for an evaluation of a student for admission, coursework, promotion, financial aid, research funding, suspension, expulsion or other discipline.

Power differential: Includes, but may not be limited to an employee with supervisory or evaluative authority over an individual.

Practicum and/or Clinical - Work-Oriented instruction involving the implementation of classroom or laboratory experience under the direct supervision of or coordinated by a faculty member.

Professional: An employee who spends more than 50 percent of his/her time in scientific or specialized study, or in the performance of original and creative work and who is responsible for making decisions based upon specialized knowledge.

Reassigned Time: Is defined as dean assigned non-instructional duties that can be equated to no more than three credit units per term.

Regular Full-time: An employee who works 30 or more hours per week of assigned duties in an established budgeted position.

Regular Part-time: An employee with fewer than 30 hours per week of assigned duties in an established budgeted position.

Release Time: Employees on full-time contracts may, from time to time, be granted release from all or a portion of their regular tasks or teaching workload for the purpose of performing special assignments. Any such release time activity will be approved by the President and the terms thereof clearly indicated. Faculty may also be given short-term release from other duties to teach classes during the temporary absence of the regular instructor.

Respondents: The supervisors or managers responsible for recommending the disciplinary actions or non-renewal of faculty contract.

Sabbatical Leave: Is defined as an approved leave of absence by which faculty may enhance their performance through continued professional growth.

Scheduled Office Hours: Is defined as scheduled hours during which faculty shall be available to students.

Severe condition or combination of conditions: Results in death; is a severely debilitating condition that prevents an employee from meeting the essential functions of his/her job if not treated promptly or at a regularly scheduled intervals (e.g. chemotherapy treatments, radiation treatments, etc.); have been designated as terminal; or prevents the employees from working for continuous periods of forty-five (45) calendar days or more.

Stacked Classes: Is defined as when two or more courses are taught concurrently.

Student (specific to Consensual Relationship): Any individual enrolled in the college and engaged in learning activities.

Supervisor: An employee who devotes a substantial amount of work to supervisory duties and who customarily directs the work of two or more other employees.

Support: An employee who daily supports the business and/or service functions for the college performing a variety of duties that enhance college operations, services, and outcomes for students, employees, and community members.

Team Teaching: Is defined as two or more faculty members sharing the instruction of a single course.

Temporary: An employee hired for a period of time not to exceed one year from date of hire. The employee may be rehired under the same conditions at any time thereafter, with or without a break in service. The temporary status is retained unless and until notified of a change in status. A temporary employee is not eligible for benefits, overtime, or holiday pay except as required by law.

Temporary Expanded Duty: Specific additional duties or tasks that instill significant additional responsibilities and time demands to the day-to-day work of an incumbent (administrator or professional staff employee) assigned by the supervisor to complete them over a specified period of time. In addition, the lack of the performance of these duties will result in a loss of critical function by the institution.

Vocational/Occupational Lab: Instructional activities involving training for employment in a work-like environment in which faculty take an active teaching role.

Work-study student employee: A student hired to work up to 20 hours per week in accordance with the policies and procedures of the Financial Aid Office. Work study student employees are not eligible for benefits, overtime, or holiday pay.