Dear Employee:

Welcome to Fisk University. Please read the Fisk Employee Handbook and retain it for future reference. The policies stated in this handbook are guidelines only and are subject to change at the discretion of Fisk University, as are all other administrative policies, procedures, benefits, and other programs of our Institution.

The purpose of this handbook is to ensure that the employment practices of the University are easily understood and are applied equitably to all employees in order to:

1. Provide a work environment that reflects the University's mission and values;
2. Be fair and equitable in the administration of these policies; and
3. Conform to applicable federal, state and local laws governing employment.

In your new role, we hope you will enjoy the friendly atmosphere, the spirit of cooperation, and the mutual respect you will find among our faculty and staff. You were carefully selected because we believe you have the personal commitment to meet and surpass the expectations of our student population and University community. Once part of our team, we know that you will share with us the pride and satisfaction that are part of the Fisk University family.

From time to time, you may receive updated information concerning changes in policy. If you have questions regarding any policy, please contact the Office of Human Resources for assistance.

We wish you success in your new position and hope that your employment at Fisk University will be a fulfilling and rewarding experience.

Sincerely,

JaCenda R. Davidson, Ed.D.

Director
Office of Human Resources

This handbook is not all-inclusive and does not create a contract, expressed or implied and may be subject to change at any time. These guidelines are intended to assist in the consistent application of Fisk University policies and procedures for hourly paid (non-exempt), exempt and senior exempt employees. If you are an employee who is subject to the Collective Bargaining Agreement, to the extent that the provisions of this handbook are not inconsistent with the terms of the Agreement, employees covered by the agreement shall be subject to all terms and provisions set forth in this handbook.

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HISTORY OF FISK

Barely six months after the end of the Civil War, and just two years after the Emancipation Proclamation, three men — John Ogden, the Reverend Erastus Milo Cravath, and the Reverend Edward P. Smith — established the Fisk School in Nashville, named in honor of General Clinton B. Fisk of the Tennessee Freedmen's Bureau. General Fisk provided the new Institution with facilities in former Union Army barracks near the present site of Nashville's Union Station. In these facilities Fisk convened its first classes on January 9, 1866. The first students ranged in age from seven to seventy, but shared common experiences of slavery and poverty — and an extraordinary thirst for learning.

The work of Fisk's founders was sponsored by the American Missionary Association — later part of the United Church of Christ, with which Fisk retains an affiliation today. Ogden, Cravath, and Smith, along with others in their movement, shared a dream of an educational institution that would be open to all, regardless of race, and that would measure itself by "the highest standards, not of Negro education, but of American education at its best." Their dream was incorporated as Fisk University's dream on August 22, 1867.

The tradition of excellence at Fisk has developed out of a history marked by struggle and uncertainty. Fisk's world-famous Jubilee Singers originated as a group of traveling students who set out from Nashville in 1871, taking the entire contents of the University treasury with them for travel expenses, praying that through their music they could somehow raise money enough to keep open the doors of their debt-ridden school. The singers struggled at first, but before long, their performances so electrified audiences that they traveled throughout the United States and Europe, moving to tears audiences that included William Lloyd Garrison, Wendell Phillips, Ulysses S. Grant, William Gladstone, Mark Twain, Johann Strauss, and Queen Victoria. The Jubilee Singers introduced much of the world to the spiritual as a musical genre — and in the process raised funds that preserved their University and permitted construction of Jubilee Hall, the South's first permanent structure built for the education of black students. As a designated National Historical Landmark, today, Jubilee Hall remains the dramatic focal point of Fisk's campus. To this day, each October 6, Fisk pauses to observe the anniversary of the singers' departure from campus in 1871. The contemporary Jubilee Singers perform in a University convocation — and conclude the day's ceremonies with a pilgrimage to the gravesites of the original singers, where once again, the old songs are sung at the burial places of their first performers.

From its earliest days, Fisk has played a leadership role in the education of African-Americans. Fisk faculty and alumni have been among America's intellectual, artistic, and civic leaders in every generation since the University's beginnings. Among them have seen such figures as W.E.B. Du Bois (Fisk class of 1888), the great social critic and co-founder of the NAACP. Booker T. Washington — the great educator who was Du Bois' famous philosophical adversary as well as the founder of Tuskegee University — served on Fisk's Board of Trustees, married a Fisk alumna, and sent his own children to Fisk. Charles Spurgeon Johnson, Fisk's first black president, helped to conceive the modern science of sociology. The distinguished artist Aaron Douglas served on the Fisk

faculty for many years, and his murals decorate the walls of the University's administration building. Arna Bontemps, Sterling A. Brown, Robert Hayden, and James Weldon Johnson were among several Fisk faculty members who became major figures in American literature. The acclaimed composer-musicologists, John W. Work Sr., John W. Work, Jr., and John W. Work, III, were Fisk alumni and members of the faculty. Professor St. Elmo Brady, one of the first African-Americans to achieve eminence in chemistry, served many years on the Fisk faculty. Probably no single institution has played so central a role as Fisk in the shaping of learning and culture in America for African-Americans.

Surely, the Fisk tradition of leadership and excellence is being carried on today. Thurgood Marshall, who later became the first African-American Justice of the Supreme Court of the United States, was among the early participants in Charles S. Johnson's famous Race Relations Institute at Fisk. John Hope Franklin, the most eminent historian of the African-American experience, is a Fisk alumnus. Nikki Giovanni, the award-winning contemporary poet, is a Fisk graduate as well. Among currently practicing black physicians, lawyers, and dentists, one in six is a Fisk graduate. In proportion to its size, Fisk continues to contribute more alumni to the ranks of doctorally-prepared African-American scholars than any institution, black or white, in the United States. Experiments developed in Fisk's physics laboratories have orbited the earth in space shuttles. The University's Molecular Spectroscopy Research Laboratory is internationally recognized. Fisk faculty members — even while emphasizing teaching above all other priorities — carry out funded research projects to a degree excelled by no college or university of comparable size.

Even before regional accreditation was available to African-American institutions, Fisk had gained recognition by leading universities throughout the nation, and by such agencies as the Board of Regents of the State of New York — enabling Fisk graduates to enter graduate and professional schools to study for advanced degrees. Then, in 1930, Fisk became the first African-American institution to gain accreditation by the Southern Association of Colleges and Schools (SACS). Fisk University was also the first such institution to be placed on the approved lists of the Association of American Universities (1933) and the American Association of University Women (1948). In 1952, Fisk received a charter for the first Phi Beta Kappa chapter on a predominantly black campus. In 1954, Fisk became the first private, black college accredited for its music programs by the National Association of Schools of Music. Today, Fisk also holds memberships in the American Association of Schools of Music, the American Assembly of Collegiate Schools of Business, and the American Association of Colleges for Teacher Education. Its department of chemistry is on the approved list of the American Chemical Society. Fisk is a member of the Council of Graduate Schools in the United States and a sponsoring institution of the Oak Ridge Associated Universities, Inc. Fisk University is also approved for teacher certification purposes by the State of Tennessee Department of Education.

HISTORY OF FISK

OUR MISSION STATEMENT

Fisk University provides a rich academic experience steeped in the liberal arts tradition. Our faculty, staff, and students exhibit a passion for learning and personal growth. We are committed to ethical leadership and engagement in our local and global communities.

OUR VALUES

"Our Success is in the D.E.T.A.I.L.S.

Diversity **E**xcellence **T**eamwork **A**ccountability **I**ntegrity **L**eadership **S**ervice

OUR VISION

"To be the best small liberal arts university in America."

CAMPUS RESOURCES

POST OFFICE

The University Post Office is located in the lower level of Spence Hall, next door to the Student Lounge. The Post Office is open from 8:30 am to 4:30 pm Monday through Friday and provides common postal services such as selling stamps, money orders and mailing of small/medium size packages. The Post Office observes all Federal and University holidays. Please speak to your department head to determine the mail pick up and drop off times for your respective department.

UNIVERSITY LIBRARY

The John Hope and Aurelia Elizabeth Franklin Library is located next to the Music Building. Employees are welcome to borrow books, videotapes and CD's as well as to review the University's special collections and use the facilities of the Library. Audio/Visual services are also available from the Library. Please contact the University Librarian for a tour of the Franklin Library as well as other services provided to faculty and staff.

INFORMATION TECHNOLOGY

This office is available to help with PowerPoint presentations, resolve computer issues, upgrade computer equipment, and give assistance on computer technology matters.

COMMUNICATIONS AND PUBLIC RELATIONS

The Communications Office is available to help develop your printed material, facilitate contact with the media, generate media exposure for the University, and other outreach activities.

BOOKSTORE

As an employee of Fisk University, you receive the benefit of a 10% discount on most items in the University Bookstore. The Bookstore offers a wide variety of books, bestseller books, office supplies, and imprinted Fisk clothing and gift items. The Bookstore is located in the lower level of Spence Hall, next to the Office of Student Affairs. Normal hours of operation during the academic year are 9:00 am to 5:00 pm Monday through Friday. Weekend and summers hours may vary and are as announced.

SECURITY AND LOST & FOUND

The Security Office is located in the lower level of Carnegie Hall and also serves as the official lost and found headquarters for the University. The Security Office provides twenty-four (24) hour security coverage and should be contacted for all security-related matters to include: accidents, theft, violence or threats of violence, security escort services for students, faculty and staff, etc.

FISK UNIVERSITY GALLERIES

Fisk University Galleries holds an impressive and extensive collection of pre-modern, modern and contemporary paintings, sculptures, photographs, textiles and fine prints from a variety of cultures and by many mid-career, established and world-renowned artists. In addition to its exhibition program, current Galleries programs focus on

collections research and the development of educational programs for the general public.

The Carl Van Vechten Art Gallery is located on the corner of Jackson Street and 18th Avenue North, and the Aaron Douglas Gallery is located on the 3rd floor of the Franklin Library. Both Gallery's hours of operation are 10:00 am to 5:00 pm Tuesday through Friday and 1:00 pm to 5:00 pm Saturday and Sunday, and are closed on Mondays, University holidays and on Sundays during the months of June, July and August.

Please contact the Director of Galleries/Curator for details of art exhibitions and other activities to be held throughout the year.

ATHLETICS FACILITIES

All regular full-time and part-time employees may use the University's athletic and recreational facilities. For more information please contact the Athletic Director.

FISK MEMORIAL CHAPEL

The University supports a non-denominational chapel. Regular church services are held when the University is in session. Also offered are a quiet hour, meditation period, and similar activities. All employees are invited to enjoy the chapel services.

Please contact the Dean of Chapel or Vice President of Student Life for service times and other chaplain activities.

EMPLOYMENT PRACTICES, POLICIES AND PROCEDURES

Fisk University employs faculty and administrative staff, clerical, fiscal and technical staff and student employees.

FACULTY

Policies affecting faculty are outlined in the faculty employment agreement and in a separate faculty handbook.

ADMINISTRATIVE STAFF

Policies affecting administrative staff members are stated in this employee handbook.

CLERICAL, FISCAL AND TECHNICAL STAFF

Policies affecting clerical, fiscal and technical staff are stated in this Fisk Employee Handbook, except where other policies may be prescribed by applicable Collective Bargaining Agreements. In such cases, the Collective Bargaining Agreement takes precedence over the content of the Fisk Employee Handbook.

STUDENT EMPLOYEES

Policies affecting student employees are set forth in this employee handbook, except where other policies are or may be put in place later. Many student employees are paid with federal work-study funds, and in these cases their employment is subject to both federal and Fisk University regulations. Such regulations take precedence over the

provisions of this employee handbook. Student employees are not eligible for employment benefits.

CLASSIFICATIONS OF EMPLOYMENT

An employee's status determines eligibility for employee benefits offered by Fisk University and overtime pay, where required by federal and state law. The University classifies employees as follows:

CLASSIFICATION FOR BENEFIT: REGULAR EMPLOYEE

An employee who is employed on a continuing basis and who has successfully completed a six (6) month introductory period.

- **Full-time Employee**
  An employee who is normally scheduled to work forty (40) hours or more per week. A regular full-time employee is eligible for all Fisk-sponsored benefits.

- **Part-time Employee**
  An employee who is normally scheduled to work less than thirty (30) hours per week. A regular part-time employee is not eligible for most Fisk-sponsored benefits.

- **Temporary Employee**
  An employee who has accepted employment for a specified length of time, not to exceed six (6) months. Temporary employees are not eligible for Fisk-sponsored benefits.

Please note that when a part-time or temporary employee's employment status changes from temporary to regular, the period of part-time or temporary employment may not be considered retroactively as regular employment.

CLASSIFICATION UNDER WAGE/HOUR LAWS

Positions are classified in accordance with the Fair Labor Standards Act (FLSA).

1. **Non-Exempt Employee**
   An employee who is paid a specific rate of pay for each hour worked. Hourly employees who work more than forty (40) hours in a work week are compensated for approved overtime and are required to submit hourly time sheets documenting the days and hours worked. Non-exempt employees are paid on a bi-weekly basis.

2. **Exempt Employee**
   An employee who is paid a specific annual salary, which is paid on a monthly basis. Salaried employees who are classified as "exempt" meet the law's definition of "Executive," "Administrative" or "Professional" and are exempt from receiving overtime payments.

Employees will be informed of their initial employment classifications and of their status as exempt or non-exempt employees at the time of hire, and will be informed of any subsequent changes in classification. Employees who are part of the Collective Bargaining unit should also consult their handbook regarding policies and procedures governed by the provisions outlined in the Collective Bargaining Agreement.

DESKS, OFFICE FURNITURE & STORAGE

The University provides desks, lockers, and other storage space such as filing cabinets for many employees in the course of their work. Such storage space is the property of the University. Fisk University reserves the right to have access to that space as needed. There should be no expectation of personal privacy of such spaces. Do not keep valuable or confidential personal items at work. The University is not responsible for the safekeeping of your personal or valuable items.

EMPLOYMENT AT-WILL

While Fisk University has established employment guidelines in accordance with the regulations specified by the State of Tennessee, the employment relationship is considered “at-will,” which means that an employee retains the right to terminate his/her employment at any time, with or without prior notice and with or without good cause. Likewise, Fisk University retains the same right to terminate employment with or without prior notice and with or without good cause. Completion of an introductory period or advancement to a regular status does not change an employee’s status as an at-will employee or in any way restrict Fisk University’s right to terminate such an employee or change the terms or conditions of employment.

IMMIGRATION LAW COMPLIANCE

It is the policy of Fisk University to employ only those individuals who are lawfully authorized for employment in the United States. Fisk University does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, Fisk must collect certain information and review certain documentation concerning the employment authorization of its employees. Each employee must complete the Employment Eligibility Verification Form I-9 within the first three (3) days of employment, and must provide satisfactory evidence of identity and legal authority to work in the United States at that time. Failure to provide the required documents within this time frame will result in the employee not being able to commence or continue employment with Fisk University.

If an employee's authorization for employment changes or terminates after the start date of his/her employment, the employee is required to inform the Office of Human Resources of the change immediately, and provide appropriate documentation. In addition, former employees who are rehired must also complete the I-9 Form providing that they have not completed the form within the past three (3) years, or if their previous I-9 Form is no longer retained or valid.

This information and documentation will be used only for compliance with applicable federal immigration laws and shall not be used for any employment-related decision or for any unlawful purpose.

IDENTIFICATION CARDS

Upon date of hire, all regular full-time and part-time employees are issued a Fisk photo identification card. The identification card may be required for admission to on-campus events, admission to various buildings, or as verification of employment, if requested, by security officers. The identification card should be worn or carried while at work and kept in a secure place.

Identification cards are issued by the Office of Public Safety, located in the lower level of the Carnegie Hall Building.

Identification cards, along with other University-issued equipment and property, must be returned to the Office of Human Resources upon voluntary or involuntary termination of employment.

JOB DESCRIPTIONS

Fisk University maintains job descriptions to outline position expectations as part of the orientation and performance evaluation processes, as well as to establish the need for making reasonable accommodations for individuals with disabilities. Job descriptions are also utilized to determine and monitor the correct classification of positions in accordance with the Fair Labor Standards Act (FLSA).

Fisk University makes every effort to create and maintain accurate job descriptions for all positions within the University. The job description outlines the main responsibilities, scope, knowledge, skills and abilities, physical work conditions and qualifications for the position. Since all positions evolve over time, department heads are encouraged to review the duties of positions annually to ensure that the position description accurately reflects current responsibilities and is appropriately classified. The specification of responsibilities in a job description does not limit the modification of the description to include different responsibilities.

Job descriptions for collective bargaining unit positions cannot be changed without the prior review and approval by the University and the Union. Please contact your department head or the Office of Human Resources for questions regarding University job descriptions.

KEYS

Most employees of the University will be issued a key(s) in order to gain access to campus building(s) and/or assigned office space. Keys are issued by the Office of Facilities & Grounds, which is located in the Carnegie Hall Building. The Office Facilities & Grounds maintains a database logging each key issued and the name and department to whom the key is assigned. Keys are the sole property of the University and may not be duplicated, given or loaned to anyone, unless authorized by Office of Facilities & Grounds.

Lost, stolen and/or misplaced keys must be reported to the Office of Facilities & Grounds immediately. Any individual having knowledge of the misuse of keys or violation of key policies must report the misuse or violation to the Office of Facilities & Grounds.

Only in cases of emergency and with the approval of Human Resources or the Office of Facilities & Grounds will any employee relinquish their key to anyone but the Director of Human Resources or the Office of Facilities & Grounds. When keys are issues to employees, employees must sign a key agreement. Keys will only be issued to the individual at the time the agreement is signed. Under no circumstances will keys be given to any individual without signing the key agreement.

Misuse of keys or violations of the key police could result in disciplinary action. The employee's final paycheck may be withheld until all University keys have been returned. Upon termination of employment, the employee must complete the Exit Checklist Form and return all keys issued to the Director of Human Resources or the Office of Facilities & Grounds.

MEAL PERIODS

All employees will be given a designated time away from work to eat. Mealtime is generally not compensated. Meal periods will be one (1) hour in duration and should be scheduled to accommodate the operational requirements of each department.

NEW HIRE ORIENTATION

In order for employees to become acquainted with the values, culture and philosophies of Fisk University, all new employees will receive a general orientation conducted by the Office of Human Resources.

During these orientation sessions, the employee is provided a verbal summary of employment policies, practices, procedures, compensation and benefits. All new employees must attend the new hire orientation and the new employee is expected to become familiar with the contents of the Fisk Employee Handbook, Faculty Handbook and/or Collective Bargaining Agreement.

Please contact the Office of Human Resources whenever further clarification of University human resource policies and practices is required. The Fisk Employee

Handbook can be viewed on the University website or provided as a hard copy document.

Additionally, hiring departments should also provide new employees with an orientation with information specific to their position duties and work area(s).

OVERTIME

Overtime will be paid to employees in non-exempt positions at a rate of one and one-half (1.5) of the employee's regular hourly rate for all hours worked over forty (40) hours during the workweek.

Hours worked by employees in non-exempt positions on a scheduled holiday will be paid at the rate of one and one-half (1.5) of the employee's regular hourly rate.

Supervisors are responsible for assigning and monitoring overtime hours and are also responsible for assessing the budgetary impact of paid overtime. An employee must receive prior written authorization from his/her supervisor before incurring any overtime.

Exempt employees are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). Exempt employees are paid on a salaried basis and do not receive additional pay for hours worked beyond forty (40) hours in a workweek.

PARKING PERMITS

Due to limited off-street parking on campus, the University has reserved designated parking areas for faculty, staff, students and visitors. Handicapped parking is also available for persons with disabilities. All employees, including employees of service providers are required to obtain a parking permit from the Office of Auxiliary Services, located in the Carnegie Hall Building to avoid having their vehicles ticketed and/or towed. Parking permits should be placed in a visible location inside the vehicle, e.g., rear view mirror.

PAY SCHEDULE

Exempt employees are paid on a monthly basis. Hourly non-exempt and bargaining unit employees are paid on a bi-weekly pay schedule. For pay schedule dates, please refer to the pay schedule calendar on the employee bulletin board and the University website.

PERSONNEL FILES & PERSONAL INFORMATION

Fisk University maintains confidential personnel files for each employee. These files contain documentation such as new hire information, performance evaluations, beneficiary designation forms, disciplinary warning notices and letters of commendation. Please contact the Office of Human Resources for requests to review your personnel file.

Employees should ensure that their files are up-to-date by notifying the Office of Human Resources of any changes in name, telephone number, home address, marital status, number of dependents, beneficiary designations, scholastic achievements, the individuals to notify in case of any emergency, and so forth.

Fisk employees are valuable members of our institution and can be assured that the University will not release information contained in their personnel files to other employees or outside agencies, except as required by law, as authorized by the employee, or where deemed necessary by the University at its discretion.

PROBATIONARY/INTRODUCTORY PERIOD

New, non-bargaining employees serve an introductory period of six (6) months. During this introductory period, the new employee becomes acquainted with the University and with the specific requirements of his/her position, and demonstrates his/her ability to perform assigned duties. During this period, the employee's supervisor is responsible for explaining office/departmental procedures, employment guidelines, job expectations, and evaluation procedures. The introductory period provides an opportunity for both the employee and the University to ascertain whether the employee's service in the position should be continued.

During the introductory period, the employee is ineligible to receive credit for sick leave or vacation leave time. However, upon appointment to a regular employment status following the end of the introductory period, credit is given for sick leave and vacation leave time, retroactive to the date of hire and at the rates indicated in the benefit section of this handbook.

At the end of the introductory period, the supervisor will evaluate the employee's performance and a written recommendation concerning the employee's status with the University shall be submitted to the Director of Human Resources for review.

In the event a supervisor makes the recommendation not to grant the employee a regular appointment, the Director of Human Resources submits both the supervisor's and his/her recommendation to the Vice President of Administrative Services, who determines whether the employee is to be given an appointment as a regular, full- or part-time staff member. Upon receiving the Vice President of Administrative Services' decision, the Director of Human Resources notifies the affected supervisor of the Vice President of Administrative Services' decision. The introductory period may be extended for a maximum period of ninety (90) days, at the request of the supervisor and/or department head. Extensions will not affect eligibility waiting periods for benefit purposes.

Also, the successful completion of this introductory period should not be considered as creating a contract or as guaranteeing employment for any specific duration.

RECRUITMENT PROCESS

Fisk University is committed to recruiting a highly-talented and diverse faculty and staff, capable of exposing students to a wide range of cultures and perspectives and whose presence on the campus will enhance the diversity of the community in which the University resides. In keeping with Fisk's long-standing commitment to equal opportunity and non-discrimination, the University does not discriminate on the basis of non-position related factors.

EMPLOYMENT OPPORTUNITIES AT FISK UNIVERSITY

When an opening occurs, current employees who have expressed a desire and have demonstrated that they have the characteristics, aptitude, and qualifications necessary to perform the job, will generally be considered before the University recruits from the outside.

Employees are encouraged to periodically review designated campus bulletin boards and the website for job postings and other University announcements. All job openings must be posted for a minimum period of five (5) days before the position is filled in order to provide eligible employees of Fisk an opportunity to apply. The five (5) day period begins when the vacancy is posted by the Office of Human Resources.

INTERNAL APPLICATION PROCEDURE

Employees wishing to apply for vacant positions that have been duly announced within the University should notify the Office of Human Resources of their interest. Employees are eligible to apply for transfers/promotions after being in their current position for one (1) year.

If an employee wishes to apply for employment in another position at the University, the employee must submit a letter of interest and resume to the Office of Human Resources for distribution to the appropriate department.

EXTERNAL APPLICATION PROCEDURE

Interested external applicants wishing to apply for employment at Fisk University are required to submit a Fisk Application Form (and resume, as appropriate) for a specific vacant position. Applicants are required to forward the completed materials to the Office of Human Resources for processing. An applicant may apply for more than one vacant position at the same time. However, the applicant must complete a separate set of application materials for each position for which he/she is applying.

If the applicant meets both the general position requirements and the specific needs of the hiring department, the application is referred to the hiring department for consideration. Depending upon the nature of the position, some executive and administrative staff positions may have search committees established to screen applications and interview candidates.

The Department of Human Resources acknowledges applications upon receipt. Candidates will be contacted only if the department wishes to request additional information or to schedule an interview.

Fisk University conducts background checks and verifies references of candidates being considered for employment. If information is misrepresented or omitted on an application or resume, or if misrepresentations are made by an applicant in an interview, Fisk University reserves the right to revoke any offer of employment or to terminate employment whenever discovered.

APPOINTMENT PROCEDURE

Once a decision has been made by the hiring manager, and in consultation with the Director of Human Resources and department head, if it is agreed that an offer of employment should be made to the candidate, the Office of Human Resources issues an offer/appointment letter approved and signed by the President. The approved offer/appointment letter is then forwarded to the selected candidate advising him/her of the position title, responsibilities, hire period (if applicable), date of hire and salary information.

STUDENTS

Fisk University students may not normally hold staff positions at the University. Students may, however, be hired in designated student position classifications. There are guidelines for employing students, including limits that generally prohibit undergraduates from working more than twenty-five (25) hours in any week.

EMPLOYMENT OF FAMILY MEMBERS

Employment of more than one member of a family or household is not prohibited by University Policy. There is, however, a requirement that a conflict-of-interest and the appearance of a conflict-of-interest be scrupulously avoided whenever the University employs members of the same family or household. In particular, the supervision of an employee by a member of his/her immediate family or household, or by any near relative, shall be avoided.

The University reserves the right to decline to consider members of the same immediate family or household for employment, promotion or transfer, within a single office or department when, in the judgment of the appropriate supervisory authorities, such an arrangement would present risk either of a conflict-of-interest or of the appearance of a conflict of interest. Members of a single family or household shall not hold positions which make possible access to confidential records concerning one another's qualifications, job performance, salaries, wages or benefits; nor shall supervisory personnel recommend persons for University employment with whom the administrator or supervisor has a family or personal relationship.

Whenever a member of an employee's family or household is under consideration for employment, or when two members of any family or household are considered simultaneously for employment, it is the responsibility of the person(s) under

consideration for employment to be sure that the Office of Human Resources and appropriate supervisory personnel are informed of the family relationship.

EMPLOYMENT OF MINORS

Federal and state laws restrict the nature and amount of work minors under the age of 18 can perform. In accordance with applicable laws, Fisk does not employ persons under the age of 18 years of age, except in connection with specially authorized youth-employment programs and only where University authorities are satisfied that supervision and working conditions are adequate to prevent undue risk to the youthful employees or to University personnel or property.

TIMESHEETS

The University is required by the Federal Fair Labor Standards Act (FLSA) to keep accurate records for time actually worked to ensure that employees will be paid correctly and will receive full credit for all work completed.

All non-exempt employees must adhere to timesheet procedures for entering hours worked on their timesheets. Timesheets must be approved by the employee's supervisor and forwarded to the Payroll Office by 9:00 am of the week in which payroll checks are to be issued. All daily absences for non-exempt employees (holiday, vacation, sick, and/or personal day) must be accounted for on a Leave Request Form and attached to the timesheet.

An employee cannot report time for another employee. Falsification of time records violates this policy and is grounds for disciplinary action, up to and including immediate termination of employment.

Exempt employees are not required to complete a timesheet for hours worked; however, they will be required to submit leave request forms for any leave time taken.

TRAINING & PROFESSIONAL DEVELOPMENT

Fisk University believes in the importance of ensuring that each employee has the skills necessary to perform his/her job effectively. Employees will be invited to attend meetings and training sessions in order to pursue self-enrichment training opportunities. In addition, employees will be permitted to attend local seminars and workshops pertaining to their area of work, per the budget approval of the department head.

If you are interested in exploring new training and professional development options offered by the University, please contact the Office of Human Resources or your department head for details.

TRANSFERS & PROMOTIONS

One of the ways employees broaden and deepen their career experience is through professional moves/transitions within the University. A transfer to a new position can include a transfer to a lower position which may mean a decrease in pay, to a different

position in the same pay range, or to a higher pay grade. Employees must be in their current position for a minimum of one (1) year before an application for transfer will be considered.

A lateral transfer is a move to a position with the same or similar job title in the same pay range. Such transfers provide opportunities to work with new colleagues, to master a different range of skills, or to bring your special skills and experience to a new work environment. Lateral transfers do not normally involve a change in compensation.

A promotion places an employee in a higher level of responsibilities and duties. A promotion may be accompanied by an increase in salary. A recommendation for the promotion of a major administrative officer shall be directly submitted to the President for approval and action. The President's Office notifies the Office of Human Resources of action taken on the recommendation, and the Director notifies the employee and other offices as necessary.

For other employees, the employee's supervisor is responsible for recommending a promotion to the Director of Human Resources and for obtaining the concurrence of his/her department head. The promotion recommendation must be developed following a thorough review of the employee's education, training, experience, and performance record at Fisk University. The recommendation for promotion must be accompanied by a supporting statement describing the results of the employee review and requirements of the new position. The promotion recommendation and supporting materials are reviewed by the Director of Human Resources and Vice President for Administrative Services and then forwarded to the President for review/approval.

Where the Director or Vice President for Administrative Services fails to concur with the recommendation received from the employee's supervisor, the supervisor's recommendation and supporting materials will be included with the Director's submission to the President. The President's action on the request is communicated to the Director of Human Resources, who notifies the appropriate administrator or supervisor of the President's decision.

WORK HOURS

The University's work week is defined as Sunday to Saturday. The business hours of the University are Monday through Friday 8:00 a.m. to 5:00 p.m. Full-time administrative and collective bargaining unit employees work forty (40) hours per week, allotted in eight (8) hour increments generally between 8:00 a.m. to 5:00 p.m., Monday through Friday, with one (1) hour for lunch. This schedule may vary according to the nature of the functions to be performed.

Employees are expected to report to work on time for any scheduled work period. The employee's supervisor must be informed prior to the beginning of the work period of any absence or variance from the established work schedule.

ACCOMMODATIONS FOR INDIVIDUALS WITH DISABILITIES

Fisk University is committed to equal opportunity and access for people with disabilities. In compliance with the Americans with Disabilities Act (ADA) of 1990, Fisk does not exclude otherwise qualified persons with disabilities from participating in employment opportunities and University programs and activities and will not refuse to hire or otherwise discriminate against a job applicant with a disability who is capable of performing the essential functions of the job, with or without reasonable accommodation.

The University has designated the Director of Human Resources as coordinator to handle issues related to the ADA. All requests for reasonable accommodation, auxiliary communication aids and services, alternative accessible formats for applications, notices, and other information, as well as complaints regarding the University's ADA program, should be directed to the ADA Coordinator.

Complaints of alleged discrimination on the basis of disability by the University may be filed by individuals with disabilities by using the grievance procedures set forth in this Handbook. Alternate means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available upon request for persons with disabilities. Any complaints relating to the ADA shall be considered confidential and kept separate from an employee's personnel file.

ATTENDANCE AND PUNCTUALITY

Unanticipated absences or tardiness can severely diminish and interrupt the quality and level of service the University provides to our students, and members of the University community. Therefore, Fisk expects all of its employees to assume diligent responsibility for their attendance and punctuality.

If an employee is going to be late or absent, he/she must notify his/her supervisor as soon as possible in advance of the anticipated absence or tardiness. In all cases, the employee is expected to give his/her name, department, reason for the absence or tardiness, details of any tasks that need immediate attention, and his/her expected time of return to work.

Any employee who fails to report to work for three (3) consecutive days without notice to, or approval of, his/her supervisor will be assumed to have resigned and abandoned the job. In such cases, the employee will be terminated for job abandonment.

Continuous unexcused tardiness or absenteeism of any time frame may result in disciplinary action, up to and including, termination of employment. Pre-approved leave, such as vacation, absence due to the FMLA, ADA, etc., will not be recorded as an occurrence of absence for purposes of disciplinary action under this policy.

BUSINESS TRAVEL

Fisk University encourages the participation of its employees in events, meetings, workshops, seminars, etc., related to the employee's professional responsibilities. Business travel requests must be authorized in advance by the employee's supervisor utilizing the Travel Expense Form.

Authorized and documented travel carries accidental death insurance coverage while an employee is conducting University business out of town, within the provisions of the insurance coverage. Employees must file a Travel Expense Form within ten (10) days after the trip return date. Original receipts, not copies, must be attached.

For more information concerning travel authorization, travel advances, allowable expenses, or expense reporting, please contact your supervisor or the Business Office.

COMMUNICATION WITH THE MEDIA

In order to provide consistent and accurate information to media inquiries about the operation of the University, employees are not authorized to speak with the media on behalf of the University, without prior approval from the President and/or Office of Communications and Public Relations or the Vice President for Administrative Services.

All media communication should be directed to, and handled by, the Office of Communications and Public Relations or other person designated by the President of the University. Please contact the Office of Communications and Public Relations for assistance in developing and coordinating all media related events. Should staff be contacted for media interviews, they should direct the calls to the Office of Communications and Public Relations to further coordinate and facilitate the interview for the staff. The Office of Communications and Public Relations works with faculty, staff, and campus organizations to generate the best possible publicity for the University.

CONFIDENTIALITY

Employees who have access to records and other personal information including proprietary information, financial data, trade secrets, and intellectual property to which the University holds rights, must not discuss this information with anyone else without proper authorization.

Examples of confidential information include but are not limited to the following:

- Employee personal information
- Payroll information
- Student records and files
- Financial data, reports and statistics
- Project, grant proposals and plans
- Research information

- Alumni or development information
- Computer software and processes
- Computer codes and passwords

Accessing information that the University considers privileged or confidential, releasing such information, and disclosing or utilizing this information for non-University-related purposes violates Fisk University's confidentiality policy, and the offending employee(s) will be subject to disciplinary action, up to and including termination of employment.

CONFLICT OF INTEREST

This University recognizes and respects each employee's right to privacy and to engage in personal activities outside the scope of his/her employment. For example, many of our employees are involved in outside activities such as volunteerism and professional development activities. While Fisk University encourages and supports activities that contribute to a higher quality of life, employees are to use sound judgment guided by the highest personal standards of honesty and integrity in all matters affecting the University and should avoid activities that create a conflict of interest with their responsibilities to Fisk.

A conflict of interest is not easy to define. In general, it is a situation in which an employee's activities could conflict with the employee's responsibilities to the University or to others with whom the University does business.

Our managers understand that conflict of interest policies are intended to ensure ethical business conduct and high standards of integrity. They are not intended to give a manager the right to invade employee privacy. Whenever there is a suspected conflict of interest, an employee should be given an opportunity to explain his/her side of the story. An employee must inform his/her supervisor and receive written approval before engaging in any outside activities that pose the potential for conflict of interest, for example:

- Employment outside of Fisk University.
- Outside business, philanthropic, community, political, or other interests or activities that may impact your work commitment or the use of University facilities or supplies.
- Outside interests, your own or those of members of your family, related to suppliers of goods and services to the University.
- The acceptance of gifts, gratuities, or favors from individuals or organizations with which the University conducts business or that are seeking association with the University or the extension of such gratuities or favors, which might reasonably be interpreted as an attempt to influence the recipients in the conduct of their duties.
- The use of information that the University considers privileged or confidential, for non-University purposes.
- Using the name of the University for monetary profit or acting as a private person in a way that could create the impression you are speaking for the University.

Employees who are aware of conflict of interest violations are obligated to report them to management immediately. Those who fail to do so will be subject to discipline. It is not necessary for an employee to observe the normal chain-of-command procedures when reporting a conflict of interest. Confidentiality of all employees reporting conflicts of interest will be protected.

CRIMINAL CONVICTIONS

If an employee is convicted of a crime, after he/she has begun employment with the University, the employee must notify his/her supervisor within five (5) days of the conviction. Failure to report a conviction of a crime may be grounds for immediate termination of employment.

DRESS CODE & PERSONAL APPEARANCE

Fisk University's commitment to excellence and our position in the community require standards of personal appearance from employees that are consistent with departmental standards and with the high expectations of our students and our various University constituencies. All Fisk employees are expected to take pride and care in their personal appearance, dress, and grooming. This is essential for presenting a professional image at all times. It is therefore expected that all employees will exercise good judgment and dress appropriately for their jobs. These are the factors that should be taken into consideration when determining appropriate dress:

- The nature of an employee's work;
- Safety considerations, such as necessary precautions when working near machinery or hazardous work areas (employees will be required to wear proper safety equipment at all times, without exception for any reason);
- The extent of public contact, if any, and the normal expectations of outside parties with whom employees will work;
- The prevailing dress practices of other workers in similar jobs.

Supervisors should be sensitive to cultural differences in dress and should accommodate such diversity as long as the style of dress is neat in appearance and is not inconsistent with health and safety requirements.

Department supervisors and managers are responsible for monitoring and enforcing the dress code policy. If an employee's attire is questionable or does not comply with established departmental standards, the supervisor/manager will hold a private discussion with the employee regarding the inappropriateness of the attire. The supervisor may also request that the employee be sent home immediately and instruct the employee to return to work dressed in more appropriate clothing.

DRUG-FREE WORKPLACE & ANTI-SUBSTANCE ABUSE POLICY

Fisk University is committed to providing our employees and students with a safe environment free of illegal drugs and alcohol misuse in keeping with the spirit and intent of the Drug-Free School and Communities Act of 1986 and Amendments of 1989, as well as the Drug-Free Workplace Act of 1988, as amended.

Accordingly, anyone caught in the use, possession or distribution of any illegal narcotic, controlled or unlawful substance at Fisk will be remanded over to law enforcement officials and his or her employment with the University will be terminated. This policy shall be strictly enforced.

Fisk is also committed to operating in compliance with all applicable laws and to maintaining its reputation as a business where laws are obeyed, safety and good service are practiced. Misuse of alcohol, over-the-counter or prescription drugs, as well as use of illegal drugs are inconsistent with all these commitments and will not be tolerated.

Employees are expected to be capable of performing the essential functions of their job – which means able to perform all their job functions safely and efficiently – whenever they are working, present on Fisk property, operating Fisk vehicles or officially representing Fisk.

Employees are prohibited from using, possessing, buying, selling, making, or dispensing illegal drugs or illegal drug paraphernalia whenever they are working, present on Fisk property, operating a Fisk vehicle, or officially representing Fisk. Closely related activities, such as offering or conspiring to sell drugs after work on or off Fisk property are also prohibited. Fisk University also expects employees to refrain from off-the-job illegal drug activities, which could seriously damage Fisk's reputation or operations.

Employees are prohibited from "alcohol misuse." Alcohol misuse includes:

- Working, being present on Fisk property, or operating Fisk vehicles while impaired by alcohol (even if the employee is not impaired enough to violate state DUI laws);
- Consuming alcoholic beverages while working or operating a Fisk vehicle;
- Abusing alcohol off-the-job to the extent that attendance or on-the-job performance problems occur; and
- Serving or dispensing alcoholic beverages to unauthorized employees who are on the clock or to minors.

Employees convicted of controlled substance-related violations, including pleas of no contest, ***must*** inform Fisk within five (5) days of such conviction or plea. Employees who refuse to adhere to this policy will be subject to disciplinary action, including possible termination.

EQUAL EMPLOYMENT OPPORTUNITY POLICY

Fisk University does not discriminate in the administration and operation of its admissions, educational and employment policies, programs and activities on the basis of an individual's sex, race, color, age, religion, national origin, sexual orientation, pregnancy, marital status, veteran status, disability, or any other legally protected category. We affirm our commitment to these fundamental policies.

In order to implement this policy, Fisk University will undertake the following steps:

- All personnel actions such as recruiting, hiring, training, and promoting for all job classifications are conducted without regard to sex, race, color, age, religion, national origin, sexual orientation, pregnancy, marital status, veteran status, disability, or any other legally protected category.
- All other personnel actions such as compensation, benefits, transfers, layoffs, and return from layoffs, will be administered without regard to race, color, religion, sex, age, disability, or national origin, or other legally protected status except when there is a bona fide occupational qualification.
- Any harassment based on race, color, religion, age, sex, sexual orientation, national origin, or disability or other legally protected category is prohibited. Harassment is verbal or physical conduct that shows hostility toward an individual because of these protected characteristics, and that has the purpose or effect of creating an intimidating, hostile, or offensive working environment as defined by law; has the purpose or effect of unreasonably interfering, with an individual's work performance; or otherwise adversely affects an individual's employment opportunities.

GENETIC INFORMATION POLICY

Fisk University does not discriminate because of genetic information, including failing to hire or discharging an employee or otherwise discriminating against an employee with respect to compensation, terms, conditions or privileges of employment. Fisk University will not request, require or purchase an employee's genetic information, except where such information is requested or required to comply with certification requirements of family and medical leave laws, or the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace. The term "genetic information" means an individual's sex or age, information about an individual's genetic tests or the genetic tests of such individual's family members, or the manifestation of a disease or disorder in family members of such individual.

ANTI-HARASSMENT POLICY

I. FISK UNIVERSITY'S ANTI-HARASSMENT POLICY

Fisk University strives to create and maintain a work environment in which its faculty, staff and students are treated with dignity, decency and respect. The University is committed to providing its employees with a work environment that is free from implicit and explicit behavior used to control, influence or affect the well being of any member of the University community. The accomplishment of this goal is essential to the mission of the University, its commitment to excellence and the respect of all individuals.

For that reason, Fisk University will not tolerate unlawful discrimination or harassment of any kind, and has a "zero tolerance" policy toward harassment. Through enforcement of this policy and by educating our employees, the University will seek to prevent, correct and discipline behavior that violates this policy.

All employees, regardless of their position, are covered by and are expected to comply with this policy, and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based upon the seriousness of the offense, "disciplinary action" may include verbal or written reprimand, suspension, or termination of employment.

Fisk University prohibits not only unlawful harassment, but also prohibits conduct of any kind that it deems inappropriate or otherwise creates or has the potential to create a hostile work environment.

II. HARASSMENT GUIDELINES

The following guidelines on discrimination, sexual harassment and discriminatory harassment are simply guidelines, are general in nature and do not constitute exhaustive definitions. Fisk University encourages its employees to contact the Office of Human Resources regarding any questions you may have regarding discrimination or harassment.

A. "Discrimination" Defined

Discrimination generally involves treating one employee or applicant differently from another in connection with terms or conditions of employment such as hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation and training because of an employee's or applicant's gender, color, race, age, pregnancy, national origin, ancestry, marital status, veteran status, disability, religion, sexual orientation or other legally protected status where there is no bona fide occupational qualification or business reason for the differing treatment.

Violations of Discrimination Policy. It is a violation of Fisk University policy to discriminate in the provision of employment opportunities, benefits or privileges, to create discriminatory work conditions, or to use discriminatory evaluation standards in

employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, marital status or other legally protected status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act 1964; the Age Discrimination in Employment Act of 1967 (as amended in 1978 and 1986); and the Americans With Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws. Discrimination in violation of this policy will be subject to severe sanctions up to and including termination.

B. Harassment

"Harassment" Defined and Harassment Policy. Harassment, including sexual harassment, is prohibited by federal and state laws. This policy prohibits harassment of any kind, and the University will take prompt and appropriate action to address any violations of this policy. "Harassment" includes, but is not limited to, verbal or physical conduct which is designed to threaten, intimidate or coerce another person and impairs that person's ability to perform his or her job. Such conduct includes verbal taunts, racial or ethnic slurs, or similar acts.

Examples of harassment. While harassment can take many forms, there are two generally recognized forms of Harassment:

(1) **Verbal Harassment**: Offensive comments regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body disability, or appearance. This includes epithets, slurs, and negative stereotyping.

(2) **Non-Verbal Harassment**: Creation, distribution, display and/or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual or group because of national origin, race color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, marital status, or other protected status.

C. Sexual Harassment

Sexual Harassment Policy. Fisk University prohibits sexual harassment of any kind and in any form. Sexual harassment is a form of discrimination and is unlawful under Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972.

"Sexual Harassment" Defined. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

(a) Submission to such conduct is made explicitly or implicitly a term or condition of employment, or
(b) Submission to or rejection of such conduct is used as a basis for an employment decision, or

(c) Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or otherwise offensive working environment.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome, that is personally offensive, that lowers morale and therefore interferes with work effectiveness. Sexual harassment may take different forms.

Types of Sexual Harassment. There are basically two types of sexual harassment:

1. **"Quid pro quo" harassment.** "Quid pro quo" harassment occurs when an employee's terms or conditions of employment are based upon the person's submission or refusal to submit to sexual propositions or advances of another person. Specifically, where an employee's benefits (such as raises, promotions, better working hours, etc.) are directly linked to compliance with sexual advances, "quid pro quo" harassment has occurred. Therefore, only a person with supervisory authority (with the authority to grant such benefits) can engage in "quid pro quo" harassment.
Example: a supervisor promising an employee a raise if she goes on a date with him or a manager telling employee she will fire him if he does not have sex with her.

2. **"Hostile work environment" harassment.** "Hostile work environment" harassment occurs where a person's severe and pervasive harassing conduct creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it is supervisors, other employees, or members of the University community. "Hostile work environment" harassment consists of language/verbiage of a sexual nature, unwelcome sexual materials, or even unwelcome physical contact as a regular part of the work environment. Cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category.

Examples of sexual harassment. While sexual harassment can take many forms, there are three generally recognized forms of harassment:

(1) **Verbal**: Verbal sexual harassment includes, but is not limited to, sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, and threats. Requests for any type of sexual favor (this includes repeated, unwelcome requests for dates). Verbal abuse or "kidding" that is oriented, towards a prohibited form of harassment, including that which is sexually oriented and considered unwelcome.

(2) **Non-verbal**: Non-verbal sexual harassment includes, but is not limited to, the distribution, display, or discussion of any written or graphic material, (including, but not limited to, calendars, posters, and cartoons) that are sexually suggestive, or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; inappropriate whistling (e.g., "wolf whistling"); obscene gestures; and content in letters and notes, facsimiles, or e-mail, that is sexual in nature.

(3) **Physical**: Physical sexual harassment includes, but is not limited to, initiating unwelcome, unwanted physical contact. Such "unwelcome, unwanted physical contact" may include, but is not limited to, touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, forced sexual intercourse or assault.
Normal, courteous, mutually respectful, pleasant, non-coercive interactions between employees, including men and women, that are acceptable to and welcomed by both parties, are not considered to be harassment, including sexual harassment.

III. PREVENTION AND REPORTING PROCEDURE

A. Responsibilities

Duties of Employees to Prevent and Report Discrimination and/or Harassment. All Fisk employees must share the responsibility of understanding and preventing discrimination and harassment. Fisk University cannot properly investigate and resolve incidents of harassment if victims of such harassment do not report the harassment and fully cooperate in the investigation and review allegations of discrimination or harassment.

Procedure for Reporting and Investigation of Allegations of Discrimination or Harassment:

1. **Reporting Discrimination or Harassment.** Individuals who believe they have been discriminated against or harassed are required to report such conduct to the Office of Human Resources. The Director of Human Resources will initiate its investigation by contacting the following persons:

(a) Where the **student employee** has made the complaint, the Office of Human Resources will contact the **Vice President of Student Life.**

(b) Where a **faculty member** has made the complaint, the Office of Human Resources shall contact the **Provost**.

(c) Where a **member of the President's Executive Committee** has made the complaint, the Office of Human Resources shall contact the **President**.

(d) **All other complaints** shall be directed to the Director of the Human Resources.

2. **Duties of Managers and Supervisors to Report or Prevent Discrimination or Harassment**. Managers and supervisors have the special responsibility to act promptly to eliminate any discrimination or harassment which may exist in their area of responsibility. If a manager or supervisor knows that discrimination, harassment or retaliation is occurring, or receives information that discrimination, harassment or retaliation might be occurring, he/she must immediately inform the Director of Human Resources and then, under guidance from the Office of Human Resources, take immediate action to address the problem. Such action should include, but is not limited to, speaking directly with the injured person, developing a specific account of the actions, omissions or occurrences that are alleged to be discriminatory, and recommending corrective or disciplinary action.

The Office of Human Resources together with the University and designated University staff will also provide information, training and education to employees with regard to recognizing, understanding, and combating unlawful discrimination and harassment.

B. Confidentiality

1. **University policy regarding confidentiality of harassment complaints**. The University wishes to create a safe environment in which individuals are not afraid to discuss concerns and complaints, or to seek general information about discrimination, harassment, and retaliation. The University also recognizes that individuals may be concerned about the confidentiality of information they share, and the University will always strive to preserve confidentiality to the fullest extent possible.

2. **Exceptions to the University policy.** The University reserves the right to disclose the identity of any employee who submits a harassment complaint where that employee requests that the University take disciplinary action against the alleged harasser. Once informed that discrimination, harassment or retaliation has occurred or may be occurring, the University reserves the right to disclose the identity of the harasser if the University determines that action must be taken to eliminate any harassment or improper conduct on the part of any employee.

(a) The confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complainant regarding action by the University will be protected to the fullest extent legally possible. However, the confidentiality and privacy of this information cannot be guaranteed. The expressed wishes of the complaining person for confidentiality will be considered in the context of the University's legal obligation to act upon the charge and the right of the charged party to obtain information. Confidentiality will be strictly maintained by the University and those involved in the investigation.

(b) During the investigative process, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent not in violation of any existing state or federal law or this policy.

C. The University's Six-Step Harassment Response Process

The University's harassment response process is comprised of six steps. The University reserves the right to bypass any steps in the process, if circumstances so require. The University also reserves the right to discipline an employee for any inappropriate conduct discovered in investigating reports made during this process, regardless of whether the conduct amounts to a violation of law or a violation of this policy. The University will follow a Six-Step Process in responding to harassment and allegations of harassment.

STEP ONE: Responding to Harassing Conduct.

If you are the recipient of unwelcome gestures, remarks of a sexual nature or any type of harassment, **do not remain silent**. You may respond in one of the following ways: Make it clear to the harasser that you find such conduct offensive and unwelcome. Tell the harasser, in no uncertain terms, that you want the offensive conduct to stop at once, and that you will report the misconduct to your supervisor.

STEP TWO: Reporting the Harassment.
Once the employee has completed Step One, the University recommends that the employee report the harassing conduct to the employee's immediate supervisor or manager, or the supervisor or manager of the harasser. **The University cannot take action to stop the harassment if the University does not know that the harassment is taking place**. The supervisor or manager will then be responsible for taking any corrective action necessary to stop the harassment and discipline the harasser, including, but not limited to, reporting the harassment to the Director of Human Resources.

If the conduct does not stop, you should then notify your supervisor or manager or the Director of Human Resources. Do not be afraid to ask for help. If the employee's alleged harasser is the employee's manager or supervisor, then the employee should report the manager or supervisor directly to the Director of Human Resources. It is advisable to document or keep a written log of all incidents of harassment, noting the date and time, place and persons involved, and any witnesses to the event.

STEP THREE: Submission of a Complaint.
An employee will be considered to have filed a harassment complaint once he/she has done the following:

1. Report the harassment to an immediate supervisor (or in other words, completing **Step Two**);

2. Make a verbal report of the harassing conduct to the Director of Human Resources; or

3. File a written complaint with the Director of Human Resources. A formal complaint must be submitted, in writing, to the Office of Human Resources The written complaint shall include the names of the complainant and the respondent and the details of the conduct alleged to be harassment, and shall be signed by the employee.

Regardless of whether it is written or verbal, a harassment complaint should be sufficiently complete and specific to state a claim of discrimination, harassment or retaliation. Specifically, the complaint should include the identity of the harasser, the nature of the harassment, actual or approximate dates and times when the harassment took place, and the identity of any witnesses. The employee should also submit any evidence of the harassment (e.g., documents, notes, e-mails) with the complaint.

Complaints involving students, faculty or members of the President's Executive Committee will be referred to the Dean of Students, Provost and President respectively.

STEP FOUR: **Intervention.**
Once the employee completes Step Three, the Director of Human Resources shall refer the Complaint to the appropriate person (usually the manager or the supervisor of the harasser) and instruct that person to intervene and stop the harassing conduct. If the intervening person and/or the Director of Human Resources deem it necessary or

appropriate, corrective action may be taken. After the intervention has concluded, the intervening person will send all documentation concerning the complaint to the Office of Human Resources in order to document that the claim of harassment was informally made and that a resolution was reached. If further action or investigation is necessary, then the University will proceed to Step Five or any other step in the process.

STEP FIVE: Investigation by the Director of Human Resources and submission of findings.
If the party accused of harassment disputes the allegations of the employee, or if the intervening person or the Director of Human Resources determines that the complaint cannot be resolved after completing Step Four, the Director of Human Resources shall assign an employee to investigate the alleged harassment, or form a committee to conduct the investigation of the complaint. If not done previously, all documents relating to the investigation will then be forwarded to the Office of Human Resources. The investigating person/committee will then promptly investigate the matter. The investigation should usually include a review of any evidence submitted, and interviews of the accusing employee, the accused employee, and all witnesses to the alleged harassment. Once the investigation is complete, the investigating officer/committee will submit its findings and its written recommendation of the appropriate corrective action to the Director of Human Resources. The Director of Human Resources will then make the final decision to accept, reject, or modify the findings as he or she deems necessary and appropriate. The Director of Human Resources will then forward a copy of the findings and the decision to the complainant, the respondent, the Vice President of Administrative Services, and the President of the University. In cases involving students and faculty, a copy of the report should also be forwarded to the Provost.

STEP SIX: Appeal to the President
Either the accusing employee or the accused employee may appeal the decision of the Director of Human Resources or to the President. The appealing party must submit their request for an appeal to the Director of Human Resources within five (5) business days of the decision. Within three (3) business days of receipt of the appeal, the Director of Human Resources shall then forward the findings and the decision to the Office of the President. The President shall render his/her decision on the appeal within fourteen (14) days of the appeal, and the decision of the President shall be final.

OUTSIDE EMPLOYMENT

The University fully expects each full-time employee to devote his/her time and effort towards the fulfillment of his/her position responsibilities. The University therefore discourages an employee from working for another employer on a continuing basis while employed full-time at Fisk University. Non-compensated jobs on behalf of charitable, civic, and educational organizations are excluded from this policy unless a conflict of interest exists.

Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness or leaving early. Furthermore, if the employee's outside work

interferes with his/her work performance or the ability to meet his/her position requirements, counseling and, if necessary, progressive discipline will be used to address the issue of outside employment.

Should an employee find it necessary to take an additional job, a letter stating the conditions of the second position must be approved by both his/her supervisor and the Office of Human Resources. This should be done prior to acceptance of any outside position.

The guidelines below are used to determine whether an outside employment situation involves a potential conflict of interest. Employees who wish to engage in outside professional or volunteer activities must be certain that the proposed activity does not:

- Interfere with your effective performance of University duties.
- Involve products or services currently provided or being developed by the University.
- Compete with any University products, services or activities.
- Make use of University proprietary or confidential information.
- Require use of University time, resources, facilities, or equipment.

Non-compensated jobs on behalf of charitable, civic, and educational organizations are excluded from this disclosure requirement.

VOLUNTEER SERVICE

As part of the University's community outreach initiatives, the University encourages volunteerism among its employees. For record keeping and informational purposes, an employee who is interested in pursuing such an activity should obtain approval from his/her supervisor and the Office of Human Resources.

RELATIONSHIPS IN THE WORKPLACE

Applicability of Policy

This policy applies to all members of the University's community including, without limitation, faculty members, employees, and volunteers.

Special Definition Applicable to Policy

For purposes of this policy, the term "intimate" refers to relationships where the participants are confidants of one another and, although not romantic, the relationship includes one or more participants with an emotional dependency and/or strong emotional attachment to the other which surpasses the level of a platonic friendship.

General Policy on Relationships in the Workplace

Faculty members, employees and volunteers are not prohibited from socializing or engaging in personal relationships with each other, provided that the relationship does not violate the terms of this policy, interfere with the work performance of either individual, or otherwise disrupt the effective functioning of the workplace.

Faculty members, employees and/or volunteers who engage in romantic, intimate and/or and sexual relationships in the workplace must be aware of their professional responsibilities and accept responsibility for ensuring that the relationship does not raise concerns about, and/or violate any University policy regarding, ethics, conflicts of interest, favoritism, bias, etc.

Prohibited Relationships in the Workplace

It is prohibited for a faculty member, employee or volunteer to engage in any public displays of affection or other behavior that creates an uncomfortable work environment for others.

Romantic, intimate and/or sexual relationships in which one individual has either real or reasonably-perceived influence or control over the other's conditions of employment such as pay, performance evaluation, hiring or discharge are inappropriate and, therefore, prohibited. If a person is unsure of whether his or her position has real or reasonably-perceived influence or control over another person's conditions of employment, for purposes of this policy, he or she shall direct an inquiry to the University's Director of Human Resources.

Persons who engage in relationships which violate the provisions of this policy, as set forth above, may be subject to disciplinary action, up to and including, termination of their employment at Fisk.

Prohibition against Relationships with Students

Romantic, intimate and/or sexual relationships between a faculty member, employee, agent or representative of Fisk, including volunteers, and any student enrolled at Fisk, or participating in a program offered on Fisk's campus or on property owned or otherwise utilized by Fisk, are always deemed inappropriate and prohibited. Any violation of the prohibition against relationships with students set forth herein will be deemed substantial misconduct and result in discipline, up to and including immediate termination of employment.

SMOKING

Fisk University is committed to promoting a smoke-free workplace to protect the health, safety and comfort of all our faculty, staff, students and visitors. In accordance with this policy, smoking is prohibited inside all University buildings including residence halls.

Smoking is prohibited in all administrative and faculty offices and public areas of University buildings, and within 25 feet of a public entrance to University buildings.

Smoking is also prohibited in Fisk University vehicles. Smoking will be permitted in designated outside/open areas of the University.

All employees are charged with the responsibility for ensuring adherence to this policy. In the event that an employee refuses to stop smoking in a non-designated smoking area, the violation should be reported to the employee's supervisor and may be subject to disciplinary action.

SOLICITATION/DISTRIBUTION OF LITERATURE

With the exception of authorized Fisk charitable giving campaigns such as United Way or other development activities, direct solicitation (one individual directly and actively asking another individual for a contribution or sale) by employees to other employees on Fisk time (i.e. any time that those soliciting, or those being solicited, are supposed to be on duty) or in work areas is prohibited.

Solicitation or distribution of unauthorized literature by anyone not employed by Fisk University is prohibited at all times and in all areas of the University. This policy also prohibits solicitations via Fisk's e-mail and other communication mediums.

STANDARDS OF CONDUCT

Listed below are some of the University's rules and regulations as they relate to the University's Standards of Conduct and work rules for its administrative employees. This list should not be viewed as all-inclusive. Examples of behavior and conduct that the University considers inappropriate and that could lead to disciplinary action up to and including termination of employment include, but are not limited to, the following:

- Falsifying or altering employment or other University records, including supplying false or misleading information when applying for employment or at any time during employment;
- Violating the University's nondiscrimination, harassment, and retaliation policy;
- Violating any of the University's written policies, whether or not contained in the employee handbook;
- Establishing a pattern of excessive absenteeism or tardiness;
- Discussing confidential University information with unauthorized personnel, students or outside vendors or clients or in any areas where these unauthorized individuals could overhear the conversation;
- Disclosing without authorization or misusing confidential University, employee or student information;
- Reporting to work intoxicated, under the influence of non-prescribed drugs or otherwise unfit for duty;
- Illegally manufacturing, possessing, using, selling, distributing, or transporting drugs;

- Bringing or using alcoholic beverages on the University campus or using alcoholic beverages while engaged in University business off University premises, except where authorized;
- Using obscene, abusive, or threatening language or gestures;
- Engaging in criminal conduct or acts of violence or making threats of violence toward anyone on University premises or while representing the University;
- Stealing property from, or unauthorized possession of the property of co-workers, students or the University;
- Fighting or provoking a fight on University property;
- Having unauthorized firearms or other weapons on the University campus or while on University business;
- Disregarding health, safety or security regulations;
- Failing to report any personal injury sustained while on the job;
- Engaging in an act of sabotage or willfully or with gross negligence causing the destruction or damage of University property or the property of employees or students.
- Unauthorized removal, duplication, or transfer of University keys;
- Altering a check or credit card voucher, making unauthorized charges to an employee/student credit card, or knowingly overcharging an employee, student or University vendor;
- Unauthorized use of University telephones or University equipment or facilities;
- Engaging in insubordination i.e. failure or refusal to comply with a supervisor's instructions, unless the instructions are illegal, endangering or non-work related;
- Sleeping while on duty.

In order to protect the integrity of the University's high learning and teaching standards, it is our intent to address disciplinary problems in an efficient, fair and timely manner. Discipline for performance and behavioral problems may range from verbal warnings to termination, as determined by the University and in accordance with applicable disciplinary and/or grievance procedures, as outlined, in the Fisk Employee Handbook or Collective Bargaining Agreement. The objective is, where possible, to correct performance and discipline problems proactively to achieve positive results while protecting the interest of the University and its employees.

TECHNOLOGY RESOURCES POLICY: E-MAIL, VOICEMAIL, COMPUTERS & SIMILAR TECHNOLOGY

Fisk University may provide voice mail and e-mail systems, both internal and external (in the case of e-mail, through the Internet), as well as desktop computers, portable computers, servers, local area networks, intranets, printers, software, and removable storage media (e.g., floppy disks, CD-ROMs, hard disks) to assist in timely and efficient communication. These communication methods and other technology are referred to as "Technology Resources." The Technology Resources are owned by Fisk and are provided only for business use. All messages and other information and data entered,

created, received, stored or communicated through the Technology Resources are the property of the University.

Some of the issues addressed in the Technology Resources Policy include the following:

- Technology Resources are for business use only.
- Employees should have no expectation of privacy in connection with the entry, creation, transmission, receipt or storage of information via the University's Technology Resources or the Internet.
- Employees consent to Fisk's right to monitor its Technology Resources.
- No discriminatory/harassing or otherwise offensive usage of the University's Technology Resources is permitted.
- University Technology Resources may not be used to violate any law, including but not limited to copyright laws.
- Employees are prohibited from obtaining access to/or reviewing the files or communications of other users or deleting university files without a clear and authorized business purpose.
- The Internet is not secure. Employees should observe confidentiality protections at all times.
- The University's policies relating to solicitation and distribution apply to Internet and Intranet usage.

Any violation of the Technology Resources Policy can result in loss of use privileges and/or discipline up to and including termination.

INTELLECTUAL PROPERTY, COPYRIGHTS, INVENTIONS AND PATENTS

Intellectual property (trademarkable materials, copyrights, inventions, patents, etc.) developed by all persons employed at the University, including faculty members, visiting professors, research associates, fellows, administrators, staff, employees, independent contractors, and students, is the sole and exclusive property of the University if the subject intellectual property is (1) developed within the person's scope of employment with Fisk, (2) developed in the course of a project sponsored by Fisk, (3) developed with the significant use of the University's facilities, services or equipment (personal office space, libraries, and the inventor or author's personal computer provided by the University excluded), or (4) developed in the course of a project arranged, administered or controlled by Fisk University and sponsored by persons, agencies or organizations external to it, absent a prior written agreement. The University's President holds ultimate responsibility for decisions regarding ownership of applicable intellectual property and for the decision of whether to pursue patent protection or commercialization of any such intellectual property.

Fisk does not assert ownership of “scholarly” works, regardless of whether the circumstances surrounding creation of the work satisfy one or more of the four criteria outlined above. Disclosure of “scholarly” work is nonetheless required.

The University has a policy and procedure addressing intellectual property. The University’s policy on intellectual property details the specific circumstances under which the University acquires ownership of intellectual property, describes disclosure requirements, discusses written agreements regarding ownership, and establishes how payments are to be made for funds derived from the creation of intellectual property such as royalties. A copy of the University’s Intellectual Property, Copyrights, Inventions and Patents Policy is attached to this Handbook and may be located in the Appendix. All faculty members are responsible for reading this policy and for strict adherence with the terms of the policy.

VIOLENCE IN THE WORKPLACE PREVENTION POLICY

A. Policy Statement

Fisk University has a policy of **zero tolerance** for violence. The purpose of this policy is to provide a safe workplace free from aggressive, threatening, or violent acts. The University expressly prohibits any acts or threats of violence (verbal or physical) by any Fisk employee, former employee, or person affiliated with/or related to a current or former employee, against any other person at the University, including other employees, or visitors to the campus. If an employee engages in any acts of violence, including threats of violence, as described below, the employee will be subject to disciplinary action, up to and including termination of employment.

B. Acts or Threats of Violence Defined

For purposes of this policy, "violence" includes threats or threatening behavior or conduct against persons or property that is sufficiently severe, offensive or intimidating to alter the employment conditions at Fisk and/or creates a hostile, abusive or intimidating work environment for one or more Fisk employees. The following definitions are intended to provide further guidance:

- "Threat" includes a communicated intent to inflict physical or other harm on any person or property.
- "Threatening Behavior" is any behavior that is provoking and unsafe, which by its very nature could cause harm to any person or property. It may or may not include an actual physical attack.
- "Physical Attack" refers to acts of aggression resulting in a physical assault with or without the use of a weapon.

C. Specific Examples of Prohibited Conduct

Specific examples of conduct that may be considered "threats or acts of violence" prohibited under this policy include, but are not limited to, the following:

- Hitting or shoving an individual.

- Threatening to harm an individual or his/her family, friends, employees, or property.
- The intentional destruction or threat of destruction of property owned, operated or controlled by Fisk, Fisk employees and students.
- Making harassing or threatening telephone calls, letters, e-mail messages, or other forms of written or electronic communications.
- Harassing surveillance, also known as "stalking", is the willful, malicious and repeated following of another person and creating a credible threat with intent to place the other person in reasonable fear of his or her safety.
- Unauthorized possession or inappropriate use of firearms, weapons, or any other dangerous devices on Fisk property.

D. Responsibilities and Implementation

In keeping with the spirit and intent of this policy, and to ensure that Fisk's objectives in this regard are attained, it is the responsibility of both the University and all employees to help prevent violence in the workplace. It is the commitment of Fisk to:

- Take prompt and remedial action, up to and including termination, against any employee who engages in any of the conduct defined above.
- Take appropriate action in dealing with employees, former employees, vendors or visitors to the University who engage in such behaviors. Such action may include notifying the police or other law enforcement personnel and prosecuting violators of this policy to the maximum extent of the law.
- Prohibit employees, former employees, vendors and visitors from bringing unauthorized firearms or other weapons onto Fisk's premises.
- Establish appropriate security measures at the university to promote safety and security on the campus.

It is everyone's business to prevent workplace violence. You can help by reporting, to your supervisor and security personnel, your observation of the types of conduct described in this policy, or any other behaviors that could indicate that a co-worker (or someone else on the property) is in trouble. Employee reports made pursuant to this policy will be held in confidence to the maximum extent possible. Fisk does not tolerate any form of retaliation by anyone against any employee making such a report.

VISITORS TO THE UNIVERSITY

To ensure the safety and security of employees and the facilities at Fisk, please notify your supervisor and the security office when you are expecting visitors on the campus. Employees are responsible for the conduct and safety of their visitors.

While Fisk strives to promote a work environment that is family-friendly, Fisk discourages employees from bringing their children on the campus during work hours unless they are participating in a supervised activity or University-sponsored event. The University also cannot assume any responsibility for injuries sustained by children while on the University's campus.

If an unauthorized individual is observed on the campus, employees should immediately notify their supervisor or the Security Office at ext. 8777.

PET POLICY

No pets are allowed on campus without being properly leashed by the owner/handler. No pets are allowed inside any campus structure/building. Exception to this is for the visually impaired or valid disability use. Petitions for other exceptions are to be directed to the Director of Public Safety for consideration. Otherwise, without prior approval, the pet will be removed from the building. All dogs/cats on campus grounds outside of campus buildings are to be on a leash at all times or will be subject to removal by the appropriate public agency. Further, pets will not be allowed into any areas that serve food and/or beverages, excepting the above noted exceptional circumstances.

FURTHER; Should a pet clearly indicate or is observed to be a threat or is reported by another to be a threat, fighting with another animal, or there is evidence or complaints of the pet intimidating persons on campus, etc., regardless of being on a leash or not, both the owner and the pet will be required to leave campus.

SAFETY & SECURITY

Fisk University is committed to promoting and providing our employees and students with a safe and secure work/study environment. The University is also committed to the adherence of OSHA's occupational health and safety regulations and provides training to employees to promote the use of safe work practices.

Federally mandated notices concerning safety and health protection are posted for your information and review at various locations around the campus, including the Office of Human Resources.

SECURITY OFFICE

Fisk University's Security Office, located in Carnegie Hall, has the primary responsibility for ensuring the overall security of the campus, to include faculty and staff housing and other property owned by the University. The Security Office provides 24-hour service for the entire campus. The Security Office works closely with the Nashville Police Department and departmental offices on campus.

SAFETY IN THE WORKPLACE

Departments whose employees may be exposed to health and safety risks in their positions have departmental policies and procedures regarding the safety precautions

that must be taken to include training that addresses federal/state regulations and 'right to know' laws. Please adhere to the following precautions:

1. If an employee is exposed to hazardous or infectious materials while at work, he/she must notify his/her supervisor immediately and/or contact the Director of Facilities & Grounds.

2. If an employee becomes aware of or suspects safety or health hazards on the University's campus or in the employee's work environment, a report must be immediately made to the employee's supervisor and/or the Director of Facilities & Grounds.

3. Compliance with departmental guidelines for wearing appropriate protective clothing or equipment is essential (e.g. hard hats, gloves, hats, goggles etc.). Failure to comply with these policies may result in disciplinary action.

CAMPUS SAFETY TIPS

Both the University and its employees share in the responsibility of creating a safe, healthy and secure work environment. Below are just a few safety and security guidelines:

1. Be alert! Be careful! Be aware! Always think safety!

2. When an accident or injury occurs, report it immediately to your manager, even it if appears only slight at the time.

3. Pick up or wipe spilled objects/food immediately to prevent an accident.

4. Follow all emergency procedures in case of a fire or emergency situations. Above all, remain calm. Do not panic!

5. Report any suspicious characters or unusual activities immediately to the security office, your supervisor, or other management personnel.

6. Report unsafe conditions to your supervisor.

7. Learn the correct way to lift heavy objects.

8. Keep hallways, storage areas and stairs free of debris and clutter.

9. Emergency exit signs must be well lit and unobstructed.

10. Wear all required safety equipment.

11. Do not operate any equipment unless you are properly trained and authorized to operate such equipment.

12. Obey Fisk's "No Smoking" policy.

13. All keys given to you in the course of employment are the property of Fisk. Protect and use them with extra care and return them to the proper place or authority at the end of use and/or employment with the University.

SEVERE WEATHER OR EMERGENCY CLOSINGS

As a residential campus, the occurrence of severe weather or the need for an emergency closing does not completely close the University. When our students are present, a certain level of essential services still must be provided regardless of the circumstances.

DEFINITIONS

Authorized Closing: The closing of the University and its operations, as determined by the President, for a specified duration.

Emergency Closing: Those conditions, as determined by the President, which severely hamper an employee's ability to travel to and from work, or remain at work. Examples include severe weather, fire, utility failure, need for an evacuation and so forth.

Essential Personnel: Those employees identified by the President and/or department heads are required to work during periods of authorized or emergency closings. Examples of essential personnel may include, but are not limited to: Residence Hall Directors & Assistants, and employees in Facilities & Grounds, Physical Plant, Dining and Security Personnel.

Non-Essential Personnel: Those employees who are not required to work during periods of authorized or emergency closings.

CLOSING DECISIONS & ANNOUNCEMENT INFORMATION

The President, or assigned designee, is responsible for making the decision to formally cancel Fisk University activities (or open late). The President's decision concerning an authorized or emergency closing is communicated to the Vice President of Administrative Services, who will communicate the decision via public media.

Employees may call the University's Security Office at 615-329-8777 or refer to appropriate announcements placed on the following radio and television stations:

Four (4) main TV Stations, Channels 2, 4, 5, & 7 and Fisk Radio Station WSFK - 88.1 FM

Please note that although an announcement may state that the University is closed, classes may still be in session, even if other events or administrative activities are cancelled for the day. Unless otherwise directed by the President, Vice President of Administrative Services or department head, essential University personnel will still be required to report to work.

ESSENTIAL PERSONNEL

When severe weather or a similar circumstance occurs, the University will attempt to maintain full service levels. Unless the University formally cancels activities, all offices and service operations are expected to remain open with at least the University's essential personnel. In such circumstances, however, supervisors may make judgment calls about whether a specific individual's presence outweighs safety concerns (e.g., travel risks) or other factors.

However, it is generally expected that essential personnel will be required to work in order to ensure essential services. In addition, other employees may be required to report to campus as needed.

Employees who are required to report must make all necessary arrangements to do so. Failure to report when required may result in disciplinary action. For its part, the University will make efforts to facilitate and accommodate such required personnel, as it deems appropriate.

COMPENSATION FOR COLLECTIVE BARGAINING UNIT EMPLOYEES

Collective Bargaining Unit employees should consult the Collective Bargaining Agreement for compensation details as it pertains to Emergency Closings.

COMPENSATION FOR NON-ESSENTIAL PERSONNEL

If the University is forced to close during a workday or fails to open because of adverse conditions, either environmental (weather), operational, or other emergency, full-time and part-time non-essential personnel will received credit for the day(s) involved based upon the number of hours an employee is regularly scheduled to work.

Employees on approved leave with pay (i.e. vacation or sick leave etc) on an authorized closing day will be charged leave. When the weather is questionable, employees are expected not to leave the University without approved notice. If an employee decides to leave or fails to report to work due to weather, the employee will be expected to notify his/her supervisor as promptly as possible, and the time taken will be charged to earned vacation or floating leave time. If no earned leave time is available, the employee will take leave without pay.

COMPENSATION FOR ESSENTIAL EMPLOYEES

Employees who are required to work on a day when the University has formally cancelled activities will be compensated for all time worked, in accordance with current University pay policies. No formal adjustments are made to the pay of essential staff for partial day absences, with the expectation that any missed work is made up during the course of the individual's subsequent schedule.

Please note that student and temporary employees are not eligible for administrative leave, compensatory leave, or administrative pay.

WORKERS' COMPENSATION INSURANCE

In accordance with the applicable provisions of the Workers' Compensation Law of Tennessee, Fisk University maintains workers' compensation insurance to ensure that an employee who is injured on the job receives medical care and financial assistance when unable to work. If you are injured or hurt while at work, Fisk wants to ensure you receive medical treatment. You must report any work-related injury or illness, no matter how minor, to your supervisor immediately, who in turn must immediately report the incident to the Office of Human Resources.

If medical attention is needed, the Office of Human Resources will refer you to a medical clinic for treatment, as assigned by the University's workers' compensation insurance carrier. Please also refer to the HR Bulletin Board for details concerning medical facilities or physicians that should be used.

Please be aware that if you refuse medical treatment and later see a doctor of your choice for treatment, or if you seek additional treatment that has not been approved by the Office of Human Resources, you could risk having to incur the medical costs for seeing a physician not on the approved list.

EMPLOYEE'S RESPONSIBILITIES

- Must report all injuries or accidents on the job, immediately to your supervisor and the Office of Human Resources who will initiate an accident report and/or medical treatment.
- Must be treated by one of the University's designated medical treatment facilities and physicians.
- If the employee misses work due to a work-related injury or illness, the employee must provide the Office of Human Resources with a medical certification from the employee's authorized physician. The employee must also keep his/her supervisor and the Office of Human Resources abreast of his/her condition, and if applicable, the need for an extended absence.
- Upon returning to work, the employee must provide a medical certification from his/her physician certifying the employee's ability to return to work and assume regular work duties. (If you are released to work with restrictions such as lifting or climbing restrictions that may prevent you from performing your usual work duties, you should contact your supervisor and the Office of Human Resources to discuss the feasibility of an "alternative duty" assignment.)

SUPERVISOR'S RESPONSIBILITIES

- Ensure a safe and secure work environment for employees of the department.
- Inform the Office of Human Resources immediately of an employee's accident or injury on the job.
- Advise the employee to contact the Office of Human Resources in order to complete an accident/injury report, and, if necessary, notify the designated health care provider.

WORKERS' COMPENSATION BENEFITS

A workers' compensation absence of seven (7) days or less is covered by sick leave, if available, or as unpaid leave. If a workers' compensation claim is determined to be compensable, an employee becomes eligible to receive benefits if he/she misses more than (7) days of work. Additional guidelines apply if the absence is more than fourteen (14) days.

Worker's compensation benefits cover 66.6% of an employee's average weekly wages, up to a maximum amount set by state law. If you would like to continue receiving a full salary, you may supplement any workers' compensation benefit with your available sick time for the remaining portion of your regular wages. Please notify your supervisor and the Office of Human Resources immediately, if you wish to supplement your workers' compensation benefits.

For verified workers' compensation injuries or illnesses, invoices, bills to be paid, and/or receipts for out-of-pocket medical expenses should be forwarded directly to the workers' compensation office for payment.

BENEFIT PLAN OPTIONS

Fisk University is committed to developing recruitment and retention programs that attract and retain a diverse and highly-qualified staff. The University therefore offers a wide variety of benefit options for its regular full-time employees. Members of the University's Collective Bargaining Unit should consult their Bargaining Agreement for details concerning benefit options available.

The following is a summary of the benefits available under Fisk's benefit program.

For your health:

❒ Medical (including prescription drug coverage)
❒ Dental
❒ Vision
❒ Flexible Spending Accounts (Medical Expenses)

For your security:

❒ Basic Life Insurance – coverage equal to one and a half times the employee's annual salary
❒ Accidental Death and Dismemberment (AD&D) Insurance
❒ Additional Voluntary Life and Disability Insurance programs (offered by employer approved vendors.)
❒ Long-term Care Insurance

For your future:

❒ 403(b)Retirement Program
❒ Tuition Remission Benefits
❒ Tuition Assistance Benefits
❒ Tennessee Teacher's Credit Union Membership & Benefits
❒ AmSouth Banking Benefits

For your personal situation:

❒ Campus Housing for Faculty & Staff (Housing is based upon availability. Employee will be required to sign a lease agreement.)
❒ Employee Discounts to include the following:
- University Bookstore
- University Dining Meal Plans for Faculty & Staff
- Other discounts announced by the Office of Human Resources

A. HEALTH INSURANCE

Fisk's health insurance plan provides regular full-time employees and their dependents with access to medical (including prescription drugs), and vision coverage.

Medical and vision benefit coverage commence on the first (1st) day of the month after the employee's date of hire. An employee also has thirty (30) days from the date of a qualified event (i.e. marriage, divorce, birth of a child etc.,) to enroll in the plan or to change the level of health insurance coverage.

A change in employment classification that results in the loss of eligibility to participate in the University's health insurance plan, may qualify an employee to continue his/her coverage under the Plan, at the employee's own cost, under the federal provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA).

Please contact the Office of Human Resources for benefit guides, Summary Plan Descriptions (SPD) that summarize benefit eligibility, dependents, enrollment plan options, costs, how to file claims or for COBRA information and costs. Please note that SPD's are provided to new employees during the new hire orientation process.

B. LIFE INSURANCE

Fisk University provides basic term life insurance for eligible regular full-time employees. Life insurance is provided in an amount which equals 11/2 times the employee's base salary, and is payable to the employee's beneficiaries upon death of a covered employee.

C. 403(B) RETIREMENT ANNUITY PLAN

Fisk University offers a retirement annuity plan through the Teacher's Insurance and Annuity Association/College Retirement Equities Fund (TIAA-CREF). All regular full-

time employees, who are at least 21 years of age, are eligible to participate in the 403(b) retirement plan upon the employee's date of hire.

The annuity plan provides a vehicle for employees to save for their retirement through employee salary contributions deducted on a tax-deferred basis. A variety of investment fund options are available under the Plan including various asset allocation funding choices.

To participate an employee must contribute a minimum of five (5) percent of his/her monthly, utilizing a salary deduction or reduction basis. Upon vesting, the University will make a matching contribution of five (5) percent to the employee's 403(b) Retirement Annuity account.

An employee may, however, elect to contribute amounts in excess of the five (5) percent required by the basic annuity plan up to the maximum deferral limits in accordance with federal/state laws. Amounts contributed to the GSRA (Group Supplemental Retirement Annuity) are not matched by the University but still enable employees to contribute to their retirement annuity plan on a tax-deferred basis.

Please contact the Office of Human Resources for a detailed Summary Plan Description of the 403(b) Retirement Annuity Plan.

TUITION REMISSION BENEFITS

Fisk University's tuition remission and assistance program is an extension of the university's training and development program, which is designed to provide employees with additional opportunities for job growth, career and personal development through formal education and training. It is imperative however that an employee ensures that participation in such programs does not interfere with the employee's position responsibilities. In the event that it does, the manager has the right to decline future tuition benefits under the tuition remission and tuition assistance programs. Furthermore, this benefit is administered under the discretion of the CFO and President and is dependent upon the financial condition of the University.

A. TUITION REMISSION BENEFITS FOR EMPLOYEES STUDYING AT FISK

Fisk University will provide educational assistance for courses to be taken at the University for the following eligible employee classifications:

- Regular full-time employees of the University who have completed one (1) year of service and have attained a minimum of a satisfactory rating as it relates to the employee's last performance evaluation or;
- Regular part-time employees with at least five (5) years of service and have attained a minimum of a satisfactory rating as it relates to the employee's last performance evaluation.

Fisk University will pay for one (1) academic course at a time. There is a limit of four (4) credits per semester or equivalent. The University will pay for the course tuition, with the employee being responsible for paying fees, including any fees associated with the class.

Courses must be approved and budgeted for, in advance of enrollment. Interested employees should request their managers to include the cost of attending class in the annual budgeting process. If funds are not budgeted or available, the request for assistance may be denied.

B. TUITION REMISSION BENEFITS FOR DEPENDENTS OF EMPLOYEES STUDYING AT FISK UNIVERSITY

Fisk University will provide educational assistance for degree-seeking dependents of regular full-time and part-time employees, who satisfy the eligibility criteria outlined above, and are interested in taking courses at Fisk. Per individual employee, the benefit limit will be equivalent to two (2) children attending the University for four (4) years. This benefit is dependent upon the financial condition of the University, as well as the budget and can be denied at any time.

In addition, the University will provide educational assistance for degree seeking dependents of deceased employees of Fisk University who served at least five (5) years of service and maintained a minimum of a satisfactory rating as it relates to the employees' last performance evaluation. (Rev. 07/10/05). This benefit is dependent upon the financial condition of the University, as well as the budget and can be denied at any time

The tuition remission benefit unit will be equivalent to two (2) children attending the University for four years.

A dependent is defined as "children, natural or adopted, or step children of individuals employed by Fisk University under twenty-four (24) years old."

C. ELIGIBILITY

The University will admit tuition remission students if they meet regular admission requirements.

In addition, eligible students must file the Free Application for Federal Student Aid (FASA) and any other financial aid forms required by the University.

Courses must be approved and budgeted for, in advance of enrollment. Tuition remission students must complete the Dependent Tuition Remission Form, and obtain appropriate approvals, before being eligible to enroll in courses at the University. The form must be completed before the beginning of each semester. Forms are available from the Office of Human Resources.

Tuition remission student eligibility will be for four (4) academic years for first year students and will be pro-rated for transfer students. Students must make satisfactory progress toward graduation.

Tuition remission students are responsible for paying fees, including any fees associated with the class.

LEAVE TIME

A. PAID & UNPAID LEAVE PROGRAMS

Fisk University is committed to the well-being of its employees and offers a variety of paid and unpaid leave programs for its regular full-time employees. Fisk University offers the following paid and unpaid leave programs:

- ❒ Bereavement Leave
- ❒ Family & Medical Leave (FMLA)
- ❒ Floating Holidays
- ❒ Holidays
- ❒ Jury Duty
- ❒ Maternity Leave
- ❒ Military Leave
- ❒ Personnel Leave
- ❒ Sick Leave
- ❒ Vacation
- ❒ Voting Leave

B. BEREAVEMENT LEAVE

Fisk University recognizes that bereavement is a difficult time for an employee. The University will therefore make every effort to ensure that the employee is able to attend to necessary family matters without loss of earnings and will provide an employee with time off upon the death of an immediate family member, for purpose of making funeral arrangements or attending the funeral, subject to prior supervisory approval.

Immediate family consists of a spouse, child, mother, father, sister, brother, grandparent, grandchild, corresponding in-laws and step-relatives. If additional time is needed, the employee may use accumulated vacation time. If vacation time is not available, the employee may request leave without pay.

All full-time employees are eligible to take up to three (3) working days off as leave with pay for death in his/her family. All time off must be taken on consecutive days. Pay for the period of absence will be computed at the regular rate of pay. A one (1) day leave of absence will be granted so that employees can attend the funeral of a relative who is not an immediate family member.

Employees are expected to use personal time to attend the funeral of a close friend. The employee should not assume that the University knows the details surrounding bereavement within the family. The employee, or employee's family member, should immediately notify the employee's supervisor of the bereavement.

In addition to forwarding bereavement details to the Office of Human Resources, it is also the responsibility of the supervisor to inform the Office of Human Resources, in the event that the employee has requested the details of the funeral arrangements to be disseminated to staff within the campus. In such instances, the Office of Human Resources will issue a formal communication to the faculty and staff at Fisk. The Office of Human Resources will arrange for an expression of the University's condolences to be sent to the employee, or employee's family as directed by the supervisor or President.

The University reserves the right to request documentation or information that confirms leave to be taken under this policy. If a Leave Request Form is not filed before the leave date, one must be filed within three (3) working days after returning to work. Failure to file a formal Leave request Form may result in forfeiture of paid leave.

C. FAMILY & MEDICAL LEAVE (FMLA)

Fisk University recognizes an employee's desire to balance work and specific family issues or needs. The University will grant leave without pay to all eligible employees for certain family and medical reasons. The Family and Medical Leave Act (FMLA) allows eligible employees to take up to twelve (12) weeks of job-protected leave in a twelve (12) month period. This rolling twelve (12) month period is measured backward from the date the leave is used. Where state law provides leave in excess of twelve (12) weeks, it will apply. Employees may not engage in gainful employment while on FMLA leave.

ELIGIBILITY GUIDELINES

Under the FMLA, an employee who has been employed at the University for at least twelve (12) months or who has worked at least 1,250 hours during the twelve (12) month period preceding the date the employee's leave is scheduled to commence, is entitled to take up to twelve (12) weeks of unpaid FMLA leave in a twelve (12) month period for any of the following reasons.

- For his/her own "serious health condition" as defined in the FMLA.
- For the birth of his/her child and to care for his/her child after birth
- For placement of a child with him/her for adoption or foster care
- To care for his/her child, parent, or spouse who has a serious health condition

FMLA leave is unpaid, unless the employee has any accrued sick leave, vacation or floating leave time available. FMLA leave may run concurrently, where applicable, with other similar leaves mandated by state or local law including workers' compensation, state and local family leave laws, and state pregnancy and disability leave laws.

SPOUSES AT FISK

If a wife and husband are both employed by the University and request leave for the birth, adoption, or foster-placement of a child, or to care for a seriously ill parent, they are entitled to a combined total of only twelve (12) weeks leave in any twelve (12) month period for these purposes.

NOTICE OF APPROVAL OF LEAVE

Employees are required to complete a Family and Medical Leave Act Request form. Requests shall be submitted to the employee's Department Head and Office of Human Resources for proper approvals.

When the need for leave is foreseeable, the FMLA Request Form must be submitted thirty (30) days in advance of the effective date of the leave. If the leave is not foreseeable, written notice must be made as soon as possible. The University has the right to designate a leave as a FMLA leave under any applicable state or local leave statutes.

When an employee provides notice of the need for leave, a certification from a physician or health care provider is required to provide the date on which the serious illness began, its probable length, the appropriate medical facts, a statement substantiating the employee's basis for seeking leave, and an estimate of the amount of leave needed. This medical certification must be provided within fifteen (15) calendar days after being requested by the University. Failure to provide certification is grounds for denial of leave.

The University reserves the right to require that affected employees obtain subsequent re-certification to support continuing state or federal statutory leave. The University may also require the employee to get a second or third medical opinion, if deemed appropriate.

ADJUSTED OR REDUCED SCHEDULE

Once the appropriate medical certification is obtained, under certain circumstances an employee may take intermittent or reduced work schedule leave. Where FMLA leave is taken because of a birth or placement of a child for adoption or foster care, an employee may take FMLA leave intermittently or on a reduced leave schedule only if approved by his/her supervisor and the Office of Human Resources.

During the time period requiring the intermittent or reduced schedule, the employee can be temporarily transferred to an alternative position, which better accommodates the business needs and the employee's recurring absences. The alternative position will provide equivalent pay and benefits during the temporary transfer.

BENEFITS DURING AN APPROVED LEAVE

An employee on leave under this policy will continue to receive coverage under the Fisk health care plan at the level and under the conditions that such coverage would have been provided if the affected employee had continued working for up to twelve (12)

weeks during the term of an approved FMLA leave, and longer if mandated by state or local leave statutes.

The Office of Human Resources should be contacted prior to the commencement of leave in order that appropriate arrangements for the payment of premiums can be established. At this time the employee will be notified of the right to continue health care coverage under COBRA, as well as his/her responsibility for the payment of any health care premiums paid on his/her behalf during the leave should he/she not return to work.

The employee's benefits premium will be automatically deducted from any portion of the leave that is paid from the payroll. During any part of the leave that is unpaid, the employee is responsible for paying his/her normal benefits premium to the Office of Human Resources by the first (1st) day of each month. If the appropriate premium payments are not received by the end of the month, or at the end of any applicable grace period, regular coverage will end and COBRA coverage will be offered.

RETURNING FROM LEAVE

Before returning to work, employees on FMLA or state or local statutory leave due to their own serious health condition will be required to present certification from their health care provider(s) that they are able to resume work. The medical certifications must list any restrictions that may apply.

Employees who take their leave under this policy will have their positions held while on approved leave, or they may be placed in equivalent positions upon return to the University.

Employees who cannot return to work on the scheduled date of return must notify the Office of Human Resources to request an extension of their statutory leave before the leave expires. The request for extension (with supporting documentation) must be in writing and submitted at least five (5) days prior to the expiration of the leave.

Any extension beyond the twelve (12) weeks granted by the FMLA and any additional time granted under state or local law should be considered a "Personal" leave of absence. Employees must apply for personal leave and otherwise comply with the University's Personal Leave Policy.

FAILURE TO RETURN FROM LEAVE

If an employee does not return to work on the approved date of the return, he/she will be deemed to have voluntarily resigned. COBRA coverage will be offered at that time (sooner if the employee has not made timely benefits payments). Under certain circumstances, an employee who fails to return to work after a leave may be required to repay the amount the University paid for the employee's health benefits during the leave.

WORKERS' COMPENSATION AND RETURN TO WORK POLICY

Fisk University will comply with all workers' compensation laws applicable to employees who are injured on the job or who contract an occupational illness. Workers' compensation leave runs concurrently with FMLA and state and local statutory leave.

D. FLOATING HOLIDAYS

In addition to vacation time, all employees are eligible to receive three (3) floating holidays (24 work hours). These days are requested using the Leave Request Form. These days can be used at a time mutually agreed to by the employee's supervisor and employee. Floating holidays cannot be carried forward at the end of the fiscal year.

NEW HIRES

Floating holidays are pro-rated for all new hires of the University, based upon the employee's month of hire. New hires are eligible for the following amount of floating holidays:

Month Hired	No. Days
July – October	3
November – February	2
March – June	1

Thereafter, the new hire will be eligible for three (3) floating holidays for each fiscal year. Floating holidays cannot be carried forward at the end of the fiscal year Upon termination of employment, an employee is not eligible to receive payment for unused floating holidays.

E. HOLIDAYS

All regular, full-time employees are eligible to receive the following university holidays, plus any other holidays the University administration may announce:

New Year's Day
Martin Luther King's Birthday
Good Friday
Memorial Day
Independence Day
Labor Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas Day
Day after Christmas
New Year's Eve

Administrative personnel who are required to work on any of the above holiday(s) shall be granted the same number of compensatory days off at a time agreed upon between the supervisor and the employee. If a holiday occurs while you are on an approved paid sick leave or paid vacation, you will be paid holiday time for that day rather than sick or vacation time.

Non-exempt hourly employees who are required to work on any of the above holiday(s) shall be paid at 1.5 times the employee's hourly rate. Positions covered by the Collective Bargaining Agreement should consult the Collective Bargaining Agreement for details.

F. JURY DUTY

Fisk University considers jury and witness duty a civic responsibility and will not discriminate against any employee who is called to serve as a juror or witness.

An employee who requests leave with pay for jury duty must notify his/her supervisor and the Office of Human Resources when summoned to appear for duty as a juror in a local, state or federal court. Pay for such service shall be at the employee's regular rate of pay, upon submission of proof of service. Allowances provided to the employee by the court for service shall not be refunded to the University. An employee must return to work upon early dismissal of jury duty, unless there remains less than two (2) hours of the regular workday.

G. MATERNITY LEAVE

Under the Tennessee Maternity Leave Act, a birth mother is entitled to four (4) months maternity leave (paid or unpaid) without the risk of losing employment provided that:

1. The Fisk employee has completed twelve (12) consecutive months of full-time employment with the University;

2. The employee is not working part-time or full-time for another employer during the period of maternity leave;

3. The employee has given three (3) months advance written notice of the due date of leaving and has stated the intention to return to full-time employment after completion of leave; and

4. The employee is not using maternity leave to actively pursue other employment.

An employee will be returned to active employment when the leave expires, not later than two (2) weeks after the employee provides certification from the employee's physician, stating that the employee is fully able to resume the duties of his/her position.

H. MILITARY LEAVE

Fisk University will provide benefits and job protection to those individuals serving in the military in accordance with the Uniformed Services Employment and Re-employment Rights Act of 1994 (USERRA).

A regular employee (regardless of the number of hours worked per month) who is inducted or enlists in the armed forces of the United States or who serves as a member

of a reserve component of the armed forces, will be granted a Military Leave of Absence.

An employee entering military service of the United States shall be provided all rights guaranteed by USERRA and applicable state military leave laws. Members of the National Guard or any branch of the Armed Forces Reserves required to attend the annual two (2) week training program should, upon written request of the Commanding Officer of the Unit or a copy of the official orders, be granted a leave of absence without pay for the required period.

If the employee is covered by Fisk's group health plan and the employee's leave is for less than 31 days, he/she may not be required to pay more than the normal employee contribution currently being deducted from his/her pay check. If the leave is more than 31 days, the employee may elect to continue coverage for up to 18 months while on Military Leave through COBRA coverage.

If the Military Leave has been granted beyond thirty-one (31) days and/or the employee does not wish to pay the required amount of premium, his/her insurance will be cancelled. If the employee returns to work and did not elect COBRA coverage, the employee may re-enter the plan after the required waiting period.

Employees on Military Leave shall be eligible for all benefits as if they never left, e.g., vacation or sick days shall not be lost, or if a paid holiday falls during the leave, employees on Military Leave shall be paid holiday pay in accordance with University policy.

I. PERSONAL LEAVE

A Personal Leave of Absence may be granted, with the approval of the President, when an emergency or personal crisis demands an employee's time or presence off the job. A Personal Leave of Absence will be granted on an individual basis, at the sole discretion of the University, taking into consideration the purpose of the leave, the employee's work record, the length of the leave requested and the needs of the University at that particular time.

Generally, an employee must have completed twelve (12) consecutive months of service, and be in good standing to be eligible for a Personal Leave of Absence. If the Federal Family and Medical Leave Act (FMLA) and/or state or local FMLA leave law is applicable to the leave sought, and the employee is eligible for FMLA (and/or state or local statutory) leave, the employee must first exhaust all applicable FMLA and state and local statutory leave before he/she is eligible for a Personal Leave of Absence.

An employee may take a personal leave for a period of up to one (1) year without losing employment. A Leave of Absence Request Form, indicating "a personal leave without pay" must be filed with the Office of Human Resources at least two (2) weeks before the leave begins. The Personal Leave of Absence request must be specific about the reason and length of the leave (starting and ending dates).

During a Personal Leave of Absence, the employee will not accrue/earn any vacation benefits and will not be eligible for holiday pay. However, vacation time that the employee earned prior to taking personal leave is credited to the employee and reactivated upon his/her return.

Employees may not engage in gainful employment while on a Personal Leave of Absence. In cases where an employee's absence necessitates the hiring of a permanent replacement, the University cannot guarantee the employee that he/she will be returned to his/her former position. Failure to return from a personal leave on the designated date will be deemed job abandonment.

J. SICK LEAVE

Employees of the Collective Bargaining Unit should follow sick leave procedures as outlined in the Collective Bargaining Agreement. Employees who have successfully completed the six (6) month introductory period shall be credited with six (6) sick days. i.e. sick leave days at the rate of one (1) day per month from the first month of employment. Thereafter, sick leave shall accumulate at the rate of one (1) day for each month of continuous service to a maximum of ninety (90) days or (480) hours.

When an employee is absent more than three (3) days, the University requires the employee to submit a certification letter from his/her physician indicating the period of illness and the date of discharge from medical supervision. Failure to provide certification of illness may result in denial of sick leave pay.

Upon termination of employment, an employee will not be compensated for earned but unused sick time.

K. VACATION TIME

Employees of the Collective Bargaining Unit should follow vacation leave procedures as outlined in the Collective Bargaining Agreement. All other employees should follow policies outlined below.

Vacation time is earned in varying amounts for each month a full-time regular employee is in a pay status with the University. Vacation time is accrued and accounted for on a fiscal-year basis, which runs from July 1 – June 30 inclusive. After successful completion of the introductory period, the employee shall be credited with five (5) vacation days and shall earn vacation time as follows, beginning with the most recent date of hire.

Years of Service	Vacation Accumulation Rate
0 – 5 years	Ten (10) working days accumulated at the rate of 6.67 hours per month, per year.
5 – 10 years	Fifteen (15) working days accumulated at the rate of 10.00 hours per month, per year.

10 or more years	Twenty (20) working days accumulated at the rate of 13.34 hours per month, per year.

When a holiday falls within a scheduled vacation leave, the vacation period shall be extended by one day. Requests for vacation time should be submitted using a Leave Request Form that is approved by the employee's supervisor and forwarded to the Office of Human Resources for processing. Vacation leave requests should be submitted to the supervisor as far in advance as possible, so that arrangements can be made to accommodate the employee's absence from work.

Employees are encouraged to take advantage of their vacation time. Earned but unused vacation time (up to a maximum of five (5) days or forty (40) hours) may be carried forward to the next fiscal year. Earned vacation time in excess of five (5) days or forty (40) hours will be forfeited; the employee will not receive any additional compensation for these days.

Upon termination of employment, an employee will be compensated for earned but unused vacation time up to a maximum of five (5) days or forty (40) hours, provided that the Office of Human Resources has received a written notice of resignation at least thirty (30) days prior to resignation for monthly employees and ten (10) days for bi-weekly employees.

L. VOTING TIME

Fisk University considers voting in local, state, and national elections to be a civic duty. Normally, employees should be able to vote on their own time, either by voting before or after work or by obtaining an absentee ballot. In the unusual case that an employee cannot vote through these methods, upon request he/she shall be given up to two (2) paid hours for time off to vote.

The employee's supervisor will decide when during work hours the employee will be released to vote, unless regulated by state law. To minimize staffing problems, employees should provide advance notification of the need for time off to vote.

COUNSELING, PROGRESSIVE DISCIPLINE AND GRIEVANCE PROCEDURES

PERFORMANCE EVALUATIONS

Fisk University believes that an effective performance evaluation system is essential for employee development and satisfaction. Fisk will review administrative personnel formally at the end of their six (6) month introductory period, as well as annually, or prior to a promotion. Please note: performance evaluations do not always result in wage/salary increases.

Regular reviews of individual performance are an important part of Fisk's Performance Evaluation Program. The purpose of regular performance evaluations is to keep employees' informed of their performance and to assist managers with communications of (a) an employee's progress and potential, and (b) performance areas that need to be developed.

Bargaining unit employees are periodically reviewed in accordance with performance guidelines outlined in the Collective Bargaining Agreement.

PERFORMANCE IMPROVEMENT COUNSELING

As part of Fisk University's commitment to excellence, the University expects the performance and professional conduct of its employees to be consistently of a high standard. This policy is designed to address employee performance or conduct issues through a process of performance improvement counseling and/or progressive discipline with the intent to assist employees to change their performance, attendance or conduct at work.

Employees covered by the Collective Bargaining Agreement should refer to the Bargaining Agreement for progressive discipline procedures.

Performance Improvement Counseling

Performance Improvement Counseling is an extension of the performance evaluation and performance development process that is designed to help Fisk employees and supervisors overcome work-related deficiencies and strengthen job performance.

During The Introductory Period

The introductory period provides the employee with an opportunity to learn and become familiar with the department's guidelines and procedures, as well as the position expectations, responsibilities and task objectives.

During the introductory period the supervisor will evaluate and provide the employee with feedback with regards to his/her performance. If job performance during the introductory period is unsatisfactory, the supervisor may provide the employee with written notice of the performance deficiency and explain how the performance/conduct needs to improve in order to continue employment. As part of the written notice, supervisors may also elect to extend the introductory period (up to a maximum of 90 days), to provide additional training, or time for additional performance assessment.

During the introductory period, a staff member's employment may be terminated. All terminations must be approved by the Office of Human Resources prior to taking action.

After The Introductory Period

It is an expectation of supervisors to provide regular feedback to employees with regards to their performance or conduct at work. In cases where performance deficiencies exist, the supervisor should implement the following informal counseling procedure:

1. Meet with the employee to discuss the performance or conduct in question.

2. Develop performance improvement resolutions to address the issue(s) at hand.

3. Create an informal counseling report or memorandum that identifies the problem(s) and resolution(s) proposed along with agreed upon timelines. The counseling report will not be placed in the employee's personnel file unless the performance issues or conduct continue, whereby the process moves to the progressive discipline stage.

PROGRESSIVE DISCIPLINE

Progressive discipline is initiated when performance improvement counseling has not resulted in a change in conduct or performance or in situations when the conduct or performance issues are too serious to warrant informal counseling.

PROGRESSIVE DISCIPLINE FORM

Please utilize the University's progressive discipline form when initiating any of the stages in this process. The form comprises five (5) main parts:

1. Details of the incident/statement of the problem or behavior (violation of rules, policies, standards or performance expectations).

2. Details of prior counseling discussions or warning(s) the employee has received with regard to this or a similar incident.

3. Statement of corrective action to be taken (include performance improvement objectives, goals and dates/timelines for follow-up). The supervisor should also indicate what, if appropriate, the department would do to support the needed changes.

4. Consequences of failure to improve performance or behavior.

5. Other manager comments.

The employee should be provided an opportunity to sign the form indicating its receipt. If the employee refuses to sign the form, the supervisor may indicate on the form that the employee did not wish to sign, and the disciplinary action will proceed. Once signed, a copy of the progressive discipline form, plus any additional attachments should be forwarded to the Office of Human Resources for inclusion in the employee's personnel file. A copy of the form should also be provided to the employee.

** Supervisors must receive approval from the Office of Human Resources before an action is taken to terminate an employee's employment with the University. **

PROGRESSIVE DISCIPLINE PROCESS

The following summarize the stages of Fisk University's Progressive Discipline Policy:

1. **Verbal Warning** – Documented by an informational report to be retained in the manager's working file. A copy of this oral reminder should also be forwarded to the Director of Human Resources for inclusion in the employee's personnel file. This stage may be omitted depending upon the seriousness of the performance issue or conduct.

2. **Written Warning** – This formalizes a discussion between a supervisor and employee with regard to the employee's unsatisfactory performance or conduct. This is included in the employee's personnel file. Conduct that warrants a written warning, includes, but is not limited to:

- Excessive patterns of absenteeism, tardiness or leaving early.
- Minor neglect of or failure to satisfactorily complete assigned duties or performance improvement plans.
- Failure to call in according to departmental policies when unable to report for work.
- Failure to report back to work from authorized breaks in a timely fashion.
- Unproductive use of work time.
- Working unauthorized overtime.
- Use of business phones/Internet access for personal reasons.
- Violation of the University's smoking policy.
- Carrying unauthorized persons in University vehicles.
- Failure to interact collegially, maturely, and effectively with co-workers, students, or other individuals with whom the employee comes in contact.
- Having unauthorized family members or friends in the work area.
- Unauthorized use of University resources.

3. **Final Written Warning** – If performance or conduct does not improve to an acceptable level within the times frames already established or if additional performance or conduct concerns arise, a final written warning may be required. Repeated written warnings can also result in the issuance of a final written warning. Furthermore, if a supervisor concludes that the performance or conduct issues are too serious to warrant a verbal warning or written warning, a final written warning may be initiated. Conduct concerns that may warrant a final written warning, includes, but is not limited to:

- Rude or unprofessional conduct with a co-worker, supervisor, student or other individual with whom the employee comes in contact.
- Violation of the University's solicitation policy.
- Neglect of duty that could result in minor loss or injury.
- Violation of a University safety rule.
- Accessing or disclosing confidential information without authorization.
- Inappropriate email communications.

- Repeated failure to satisfactorily complete assigned duties or performance improvement plans.

MISCONDUCT THAT WARRANTS IMMEDIATE DISCHARGE

Misconduct that warrants immediate termination of employment involves dishonesty, violation of the law, or material risks to University operations or the safety or well-being of oneself or others. Examples include, but are not limited to:

- Unauthorized removal, theft or destruction of University property, including property belonging to co-workers, students and/or visitors to the campus.
- Unauthorized use of University resources for personal gain.
- Possessing an unauthorized weapon on University premises.
- Violence or threats of violence on University premises.
- Refusal to obey a direct instruction from a supervisor.
- Falsifying University records, including employment applications and timesheets.
- Conviction of a crime involving controlled substances, dishonesty, violence or other behavior that impairs suitability for employment.
- Failure to report a criminal conviction to the employee's supervisor within five (5) days of a conviction.
- Violations of the Drug & Alcohol Policy and/or the Drug Free Workplace guidelines.
- Gross negligence that may result in injury or loss.
- Sleeping on the job.
- Absence of three (3) consecutive workdays without authorization.
- Violation of the University's harassment and non-discrimination policies.
- Disclosure of confidential University information.
- Inappropriate use of the Internet.

Supervisors must arrange a meeting with the employee concerned when administering progressive discipline in order to adequately highlight the problem areas, policies violated and also possible consequences of future occurrences.

Supervisors should also remind the employee of University expectations. Upon receiving a verbal warning, written warning and/or final written notice, the employee will be required to sign the form acknowledging its receipt.

Please note that all supervisors of Fisk University have a responsibility to coach and counsel employees in regard to matters of the policy or in regard to an employee's conduct. In situations in which a supervisor is recommending that an employee's employment with the University be terminated, it will be the responsibility of the manager to first demonstrate to the Director of Human Resources, Vice-President of Administrative Services, and the President that the employee has received adequate coaching and counseling and that the proper procedures for exercising progressive discipline have been followed.

APPEALING A DISCIPLINARY ACTION OR DISCHARGE

Employees who have completed their introductory period and feel that a disciplinary action or discharge is not consistent with University or departmental policy or practice, have the right to appeal the action under the University's Grievance Procedures.

The grievance process is not available when the employee chooses to resign, including cases where the resignation is in lieu of discharge, as the employee has initiated the action.

GRIEVANCE PROCEDURE

Most problems normally can be resolved in a less formal manner than a grievance. Every attempt to discuss problems and informally work out solutions between the relevant parties must be made. However, in instances where a concern is not resolved in this manner, this grievance procedure must be followed.

NON-RETALIATION POLICY

Employees may use the grievance procedure without fear of retaliation from supervisors or others against whom a complaint may be filed. Retaliation will not be tolerated and will be subject to the University's disciplinary procedures. Any violation of this policy should be immediately reported to the Office of Human Resources or department head.

CONFIDENTIALITY

It is presumed that all participants of a grievance (i.e., complainant, respondent, interviewees, witnesses, supervisors, members of the grievance panel, etc.) will maintain the confidentiality of the proceedings to ensure an unencumbered resolution process.

GRIEVANCE PROCESS STEPS

Step 1: Initiate an Informal Discussion with a Supervisor or Department Head

It is the goal of the University to create and promote open communication within the work environment whereby concerns can be resolved informally whenever possible. The employee is encouraged to speak with his/her supervisor concerning the issue, within seven (7) business days of the action that prompted the concern. In the event that the employee is uncomfortable speaking with his/her supervisor or department head about the concern, the employee may bring the concern to the Director of Human Resources who will help to answer questions or facilitate an informal resolution of the concern.

Step 2: Submit a Written Request for Formal Review

The grievance shall be presented in writing to the Office of Human Resources within:

- Seven (7) business days of the situation or incident which led to the grievance; or
- Seven (7) business days of receipt of the written response from the employee's supervisor as it pertains to Step 1.

The employee's department head and the next level manager will receive a copy of the grievance for review as notification that a grievance has been filed.

Step 3: Review by Department Head or Next Level Manager
The department head or next level manager will review the written grievance and prepare a file summarizing the grievance and the proposed action/remedy within seven (7) business days from receipt of the written grievance. This memorandum will be reviewed with the employee and a copy will be forwarded to the Office of Human Resources for inclusion in the employee's personnel file.

If there are no other levels of supervision or the employee is not satisfied with the applicable decision, the employee should proceed to Step 4.

Step 4: Review by the Director of Human Resources
The employee may appeal the decision, in writing, within seven (7) business days to the Director of Human Resources, who shall immediately investigate the grievance, and if necessary appoint an ad-hoc grievance committee.

The Director of Human Resources will take the steps he/she deems necessary to review and investigate the grievance. The employee and supervisor will be notified of the final decision within ten (10) business days.

END OF EMPLOYMENT

A. TERMINATION OF EMPLOYMENT

There are several types of separation classifications. These include voluntary termination by resignation or retirement and involuntary termination by layoff, suspension or dismissal.

B. VOLUNTARY TERMINATIONS: RESIGNATION OR RETIREMENT

There is no mandatory retirement age. In the event that an employee voluntarily decides to leave or retire from Fisk University, exempt and non-exempt staff are expected to give the University at least two (2) weeks written notice. However, 30 days notice is desirable in exempt positions in order to have enough lead time to properly provide for a smooth transition. Written notices of resignation or retirement should be submitted to the employee's supervisor and the Office of Human Resources.

A notice of resignation or retirement is expected to be a working notice to provide the employee's supervisor with an opportunity to ensure projects are completed and/or an opportunity to provide training to the employee who will be assuming the employee's position and responsibilities.

In addition, Fisk reserves the right to accept an employee's notice of resignation and to accelerate such notice and make the employee's resignation effective immediately, or on any other date prior to the employee's intended last day of work that Fisk deems

appropriate. In such instances, the employee will be paid through the date designated by him/her in the letter of resignation as the intended last day of work.

Employees who fail to give appropriate written notice will be considered ineligible for rehire for future employment at Fisk University.

C. INVOLUNTARY TERMINATIONS

1. Layoff

A layoff is an involuntary termination of employment, either permanently or temporarily, due to business needs. On occasion, organizational needs and changes within the University may require existing staff positions to be eliminated. In the event of a layoff, the University strives to handle such layoffs in a systematic and consistent manner and to help define opportunities that may be available to the employees that will be affected.

In general, the University will make every effort to give the employee the same advance notice as that expected from a resigning employee, i.e., at least two (2) weeks notice for exempt and non-exempt employees. When shortages of funds or of work are unforeseen, however, it may occasionally be necessary to lay off employees with less than the desired notice.

2. Dismissal/Discharge

Supervisors must obtain approval from their department head and with the Office of Human Resources before discharging an employee. The recommendation for discharge, along with appropriate documentation, is forwarded to the President for action.

Discharge for either failure to meet performance expectations or misconduct should be documented in accordance with the University's established performance improvement counseling and progressive discipline procedures. A dismissal or discharge may result in the employee being ineligible for rehire at Fisk University, as well as affect the employee's COBRA rights.

NOTE: The grievance process is not available when the employee is discharged due to performance issues, misconduct, or a layoff.

D. EXIT INTERVIEWS

In an effort to ascertain the reasons why an employee has elected to leave the employment of Fisk, and to provide benefit related information, the Director of Human Resources will conduct a confidential exit interview with the departing employee.

It is the employee's responsibility to schedule an exit interview with the Office of Human Resources before the employee's last day of employment.

E. RETURN OF UNIVERSITY PROPERTY

Departing employees will be required to complete an Exit Checklist Form confirming that all appropriate Fisk property has been returned (i.e., keys, equipment etc.) on or before the last day of employment at Fisk. Completed forms must be submitted to the Office of Human Resources. If the terminating employee has items that belong to the University, or has an outstanding financial obligation to Fisk, the actual cash value of such items or financial obligation may be withheld from the employee's final pay, pending the return of the items or payment of the obligation.

In addition, the departing employee will be required to sign a confidentiality statement confirming that they have returned all confidential data pertaining to the University and agree to comply with the University's institutional policies on security, computer access, confidentiality of University data, data standards and data integrity.

F. FINAL PAY CHECKS

Employees, who have completed their six (6) month introductory period, will be paid any accrued and unused vacation time, in addition to salary and wages up to the date of termination. There is no payment for unused floating holidays or sick time. Final checks will be issued in accordance with state law within twenty-one (21) days of the employee's termination date and mailed to the employee's home address currently on file.

EMPLOYEE HANDBOOK ACKNOWLEDGEMENT
(Employee Copy)

PLEASE READ BEFORE SIGNING:

I understand that the information contained in the Fisk Employee Handbook represents guidelines only and that the University reserves the right to modify this Handbook and amend or terminate any policies, procedures, or benefit programs whether or not described in this Handbook at any time, or to require and/or increase contributions toward any benefit programs whether or not described in this Handbook at any time, or to require and/or increase contributions toward any benefit programs. I understand that I am responsible for reading this Handbook, familiarizing myself with its contents, and adhering to all of the policies and procedures of Fisk, whether set forth in this Handbook or elsewhere. I also understand that the interpretation, application and administration of all University policies and procedures, including those in this Handbook, rest exclusively with Fisk University. I understand that this Handbook is not a contract of employment, express or implied, between Fisk and me and that I should not view it as such, or as a guarantee of employment for any specific duration. I understand employment at Fisk is at-will, meaning that Fisk or I can terminate the employment relationship with or without cause or notice.

_____
Name of Employee (PRINT)

_____
Signature of Employee

_____
Date

Please return the completed acknowledgement to the Office of Human Resources.

EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

(Office of Human Resources Copy)

PLEASE READ BEFORE SIGNING:

I understand that the information contained in the Fisk Employee Handbook represents guidelines only and that the University reserves the right to modify this Handbook and amend or terminate any policies, procedures, or benefit programs whether or not described in this Handbook at any time, or to require and/or increase contributions toward any benefit programs whether or not described in this Handbook at any time, or to require and/or increase contributions toward any benefit programs. I understand that I am responsible for reading this Handbook, familiarizing myself with its contents, and adhering to all of the policies and procedures of Fisk, whether set forth in this Handbook or elsewhere. I also understand that the interpretation, application and administration of all University policies and procedures, including those in this Handbook, rest exclusively with Fisk University. I understand that this Handbook is not a contract of employment, express or implied, between Fisk and me and that I should not view it as such, or as a guarantee of employment for any specific duration. I understand employment at Fisk is at-will, meaning that Fisk or I can terminate the employment relationship with or without cause or notice.

_____

Name of Employee (PRINT)

_____

Signature of Employee

_____

Date

Please return the completed acknowledgement to the Office of Human Resources.

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APPENDIX

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INTELLECTUAL PROPERTY, COPYRIGHTS, INVENTIONS AND PATENTS POLICY

I. INTELLECTUAL PROPERTY, COPYRIGHTS, INVENTIONS AND PATENTS

Section 1: Objectives

The objectives of Fisk University in the establishment of this policy are to: (1) encourage inventions and the production of copyrightable works by members of the Fisk community; (2) facilitate the utilization of such inventions and works to the benefit of the public, the University, and the members of the academic community; and (3) provide for the equitable sharing of any proceeds derived from the commercial exploitation of inventions and copyrightable works in which, pursuant to this policy, the Institution is determined to have an interest. This policy is intended to protect the interests of all concerned parties: Fisk University, members of Fisk's community, external sponsors of research, and the public.

Section 2: Definitions

"Author" means the person or persons responsible for creation of a copyrightable work.
"Gross Income" means proceeds from the sale, lease, or licensing of intellectual property by Fisk University; dividends derived from equity received in consideration for the sale, lease, or licensing of intellectual property by Fisk University; or proceeds from the sale of equity received in consideration for the sale, lease, or licensing of intellectual property by Fisk University.
"Intellectual Property" means inventions and works.
"Invention" means any discovery, invention, new use or application, process, composition of matter, article of manufacture, know-how, design, model, technological development, or biological material.
"Inventor" means the person or persons responsible for conception of an idea or ideas leading to an invention.
"Net Income" is gross income minus the direct costs associated with patent prosecution, copyright registration, commercialization, defense, maintenance, and administration of intellectual property.
"Scholarly works" include, but are not limited to, articles written for publication in academic journals, textbooks, works of art, musical compositions, and literary works. Theses and dissertations are not, for the purposes of this policy, scholarly works.
"Scope of employment" refers to activities which have been assigned to an employee by his or her supervisor or which are performed during normal working hours or which fall within the employee's job description.

"Significant use" means utilization of Institution funds, personnel, facilities, equipment, materials or other resources resulting in a cost to the Institution (direct, indirect, or depreciative) of more than $3,000. (in constant 2002 dollars).
"Work" means any copyrightable material, such as literary works; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works; motion pictures and other audiovisual works; sound recordings; architectural works; computer software or databases; circuit diagrams; architectural and engineering drawings; and lectures.

Section 3: Applicability

This policy shall apply to all persons employed (either as full-time, part-time or temporary employees) by Fisk University, to students enrolled at Fisk University, and to other persons using its facilities and resources. Contracts for works for hire between Fisk University and independent contractors must define the respective rights and responsibilities of the parties with respect to ownership of any intellectual property developed as a result of the contract.

Section 4: Ownership of Intellectual Property

Intellectual property developed by persons to whom this policy applies shall be the sole and exclusive property of Fisk University if the subject intellectual property is (1) developed within the person's scope of employment with Fisk, (2) developed in the course of a project sponsored by Fisk, (3) developed with the significant use of the Fisk's facilities, services, or equipment (personal office space, libraries and the inventor or author's personal computer provided by the Institution excluded), or (4) developed in the course of a project arranged, administered or controlled by Fisk University and sponsored by persons, agencies or organizations external to it, absent prior written agreement to the contrary. With respect to students, use of resources or facilities typically available to students in their educational activities shall not be considered "significant".

Prior to Fisk University providing support (for example, release time or Institutional funding) to a person to whom this policy applies, where that support could reasonably be expected to result in an invention or creation of a copyrightable work with commercial value, Fisk University and the person or persons receiving that support shall agree in writing whether any intellectual property potentially arising from the supported activities would qualify as a scholarly work.

Intellectual property developed outside an employee's scope of employment, on the employee's own time and without the use of significant Institutional resources shall be the sole and exclusive property of the Inventor or Author. In consideration of Fisk University support in evaluating the intellectual property, seeking patent protection and/or pursuing commercialization activities, Fisk and the Inventor or Author may agree to assign all or a portion of the ownership rights to his or her invention or work to Fisk University.

The Institution shall not assert ownership of "scholarly" works, regardless of whether the circumstances surrounding creation of the work satisfy one or more of the four tests outlined in this section for determining Fisk University ownership. Disclosure of "scholarly" works is nonetheless required, subject to the condition that only those copyrightable works which could reasonably be expected to have commercial value must be disclosed.

Nothing in this policy shall preclude a mutually agreed upon contract between Fisk University and persons to whom this policy applies wherein either party may agree to waive their rights under this policy.

Section 5: Administrative Responsibilities

5.1 Intellectual Property Advisory Committee

Fisk University shall form an Intellectual Property Advisory Committee of faculty, staff, and other persons experienced in intellectual property matters. The Disclosure Form shall be forwarded to the Committee for an evaluation of the ownership, patentability and/or commercial potential of the invention or work. The Committee shall conduct an interview with the Inventor or Author and other persons as needed to make this evaluation. A patentability evaluation shall in particular include a thorough evaluation of acts by the Inventor or items of prior art which would bar patent protection. The Committee shall provide the President of the University with its recommendations as to ownership of the intellectual property, whether patent protection should be sought, and whether to seek commercialization opportunities. The Committee shall conduct investigations as it deems necessary in the preparation of its recommendations to the President. The Committee is authorized to seek outside assistance in preparing its recommendations. Any compensated assistance obtained from private legal counsel must be approved in advance by the President. The Committee shall also generally advise the President in all matters relating to this Policy.

5.2 Inventors and Authors

Persons to whom this policy applies are responsible for disclosing to Fisk University his or her invention or production of a copyrightable work which could reasonably be expected to have commercial value. Disclosure shall be made to the President of the Institution, or to such person(s) as the President may designate, using an Invention Disclosure Form (see Attachment 1) or Copyrightable Work Disclosure Form (see Attachment 2). The Inventor or Author shall fully cooperate with other University personnel in the disclosure process and in other subsequent activities associated with patenting and/or commercialization of the invention or work.

In the event that two or more persons are entitled to claim ownership of the intellectual property, the Inventors or Authors shall reach agreement between or among themselves regarding relative contributions for the purposes of distribution of net income from the Invention or Work. That agreement shall be in writing and be notarized. The agreement

will be required prior to the President's initial decision regarding whether to pursue patent protection or commercialization of the intellectual property.

Inventors should particularly note that certain acts (for example, enabling disclosure of the Invention in an academic journal) can constitute a statutory bar to patent protection. An Inventor contemplating public disclosure activities prior to filing an Invention Disclosure Form should contact the *Office of Sponsored Programs (OSP)* prior to engaging in those disclosure activities.

5.3 Fisk University President

The Institution President is responsible for decisions regarding ownership of the intellectual property and for the decision of whether to pursue patent protection or commercialization of the Invention or Work. *These decisions are to be based on the counsel the President may choose to seek.* The President will inform the Inventor(s) or Author(s) of his or her decisions through the *Provost or OSP.* The President is authorized to make decisions regarding royalty distribution which deviate from the royalty distribution rules adopted by Fisk, subject to the provisions of **Section 7** of this Policy.

If the Institution decides not to seek patent protection for nor pursue commercialization of the intellectual property, and Fisk has an ownership interest in the intellectual property, the President must assign the Institution's ownership interest to the Inventor or Author. A decision must be made within six months of disclosure. In the absence of a decision, after six months, the Institution forfeits its right to seek patent protection and pursue commercialization of the intellectual property and all rights go to the inventor(s) or author(s) with no obligation to the University.

For inventions made in the course of a project funded in whole or in part by the Federal Government, the Bayh-Dole Act (37 CFR 401) imposes certain reporting requirements associated with the technology transfer process. The President shall designate the party responsible for ensuring that those reporting requirements are satisfied.
Subject to Board of Trustee Policies, the President shall have the responsibility for approving any and all agreements associated with commercialization of the intellectual property.

The President is authorized to delegate any or all of these responsibilities.

Section 6: Appeals

The Inventor or Author may appeal decisions of the President or those of his or her designee. If the Inventor or Author disagrees with an initial decision, he or she may request a re-evaluation by the President. The President is not authorized to delegate responsibilities relative to appeals. The request must be received within thirty calendar days of notification to the Inventor or Author of the initial decision. The Inventor or Author may submit documents or other evidence in support of his or her position. A

second and final decision by the President relating to ownership or royalty distribution may be appealed to the Board of Trustees. Decisions of the Board shall be binding.

Section 7: Income from Intellectual Property

Income derived from the commercialization of intellectual property in which the University has an interest shall be first applied toward any direct expenses incurred by the Institution in seeking patent protection or copyright registration or in pursuing commercialization of the intellectual property.

The portion of the net income the Institution retains from royalties and any other intellectual property-related income shall be deposited in a restricted account, and used by the Institution for the enhancement of research and instructional programs. At least fifty percent of the funds generated must remain in the division responsible for the production of the income (which includes a minimum of twenty-five percent allocated to the department responsible for the production). The other fifty percent of the funds may be used for purposes as specifically approved by the President.

The Inventor's or Author's share shall not be less than fifty-five percent of the annual net income from the intellectual property.

Fisk University is authorized to accept equity in lieu of cash in total or partial consideration for use of the Institution's intellectual property rights. Dividend income and income received from the sale of equity shall be divided in accordance with the distribution rules adopted by the University.

INVENTION DISCLOSURE FORM

Attach additional sheets as needed.

1. Title of the Invention:

2. Inventor information:

Name: _____

Position:_____

Department:_____

E-mail:_____

Phone:_____

Nature of Contribution:

Name: _____

Position:_____

Department:_____

E-mail:_____

Phone:_____

Nature of Contribution:

Name: _____

Position:_____

Department:_____

E-mail:_____

Phone:_____

Nature of Contribution:

Name: _____

Position:_____

Department:_____

E-mail:_____

Phone:_____

Nature of Contribution:

3. Funding

Please indicate any source of funding associated with the research leading to the invention:

[ ] Federal Government **[ ] External, other than Federal Government**

[ ] Internal **[ ] None**

If the invention was made wholly or in part as a result of external funding, please provide the following information:

Sponsoring Agency:_____

Contract or Grant Number: _____

Please attach a copy of the contract associated with the external funding.

4. Other support

For each of the inventors, were you specifically assigned to work on the invention by your supervisor? Did you work on development of the invention during your normal work hours?

Has the Institution provided support to the development of the invention by providing resources, materials or access to facilities and equipment? If yes, please describe.

5. Background of the Invention

Please list any prior work or reference from which this invention was derived.

Does the invention incorporate any materials provided by a third party? If so, please describe and provide a copy of the materials, if possible.

6. When was the invention conceived? If the invention has been reduced to practice (built or synthesized), when did that occur?

7. Invention Description:

Briefly summarize the nature and function of your invention. State such factors as: novelty which distinguishes your invention from existing technologies; what problem(s) it solves, and advantages over existing technologies; specific utility in the marketplace and potential commercial interests. Describe the current stage of development of the invention, enclosing any photographs or drawings of a prototype or conceptual design.

8. Prior Disclosures:

Has the invention been described in a printed publication in sufficient detail to allow a skilled person to understand and to make or use the invention? If so, please provide date of the publication and a copy of the article.

Have you presented any information about your invention at any conferences or meetings? If so, please provide the name of the conference or meeting, its date, a copy of any paper presented, and a copy of any visual aids used in the presentation.

Has there been any offer to sell the invention? If so, please describe when, where, to whom and whether the offer was accepted.
Has the invention been used in public (for example, has there been testing of the invention witnesses by persons outside of the research team)? If so, please describe the circumstances, and indicate if non-disclosure statements were signed by persons witnessing the use.

9. Potential licensees

Please list any companies, and contacts within those companies, if known, which you believe might be interested in licensing this invention or sponsoring further research:

Inventor 1 Signature and date _____

Printed Name _____

Inventor 2 Signature and date _____

Printed Name _____

Inventor 3 Signature and date _____

Printed Name _____

Inventor 4 Signature and date _____

Printed Name _____

I have reviewed and concur with the information contained in the statement.

_____
Department Chairman Signature and Date

_____
Provost Signature and Date

ALL INFORMATION CONTAINED HEREIN IS CONSIDERED CONFIDENTIAL INFORMATION OF FISK UNIVERSITY.

COPYRIGHTABLE WORK DISCLOSURE FORM

Attach additional sheets as needed.

1. Title of the Work:

2. Author information:

Name: _____

Position:_____

Department:_____

E-mail:_____

Phone:_____

Nature of Contribution:

Name: _____

Position:_____

Department:_____

E-mail:_____

Phone:_____

Nature of Contribution:

Name: _____

Position:_____

Department:_____

E-mail:_____

Phone:_____

Nature of Contribution:

Name: _____

Position:_____

Department:_____

E-mail:_____

Phone:_____

Nature of Contribution:

3. Funding

Please indicate any source of funding associated with the research leading to the work:

[ ] Federal Government **[ ] External, other than Federal Government**

[ ] Internal **[ ] None**

If the work was created wholly or in part as a result of external funding, please provide the following information:

Sponsoring Agency:_____
Contract or Grant Number: _____

Please attach a copy of the contract associated with the external funding.

4. Other support

For each of the inventors, were you specifically assigned to work on the invention by your supervisor? Did you work on development of the invention during your normal work hours?

Has the Institution provided support to the development of the invention by providing resources, materials or access to facilities and equipment? If yes, please describe.

5. Description of the Work

Briefly summarize the nature of the Work. Describe any commercial potential you see for the Work.

6. Potential Licensees

Please list any companies, and contacts within those companies, if known, which you believe might be interested in licensing this work:

Author 1 Signature and date _____

Printed Name _____

Author 2 Signature and date _____

Printed Name _____

Author 3 Signature and date _____

Printed Name _____

Author 4 Signature and date _____

Printed Name _____

I have reviewed and concur with the information contained in the statement.

_____
Department Chairman Signature and Date

_____
Provost Signature and Date

ALL INFORMATION CONTAINED HEREIN IS CONSIDERED CONFIDENTIAL INFORMATION OF FISK UNIVERSITY.

Fisk University

WORK MADE FOR HIRE PROVISIONS

Employee and Fisk University intend this to be a contract for services and each considers the products and results of the services to be rendered by the employee hereunder (the "Work") to be a work made for hire. The employee acknowledges and agrees that the Work (and all rights therein, including, without limitation, copyright) belongs to and shall be the sole and exclusive property of University.

If for any reason the Work would not be considered a work made for hire under applicable law, the employee does hereby sell, assign, and transfer to University, its successors and assigns, the entire right, title and interest in and to the copyright in the Work and any registrations and copyright applications relating thereto and any renewals and extensions thereof, and in and to all works based upon, derived from, or incorporating the Work, and in and to all income, royalties, damages, claims and payments now or hereafter due or payable with respect thereto, and in and to all causes of action, either in law or in equity for past, present, or future infringement based on the copyrights, and in and to all rights corresponding to the foregoing throughout the world.
The employee agrees to execute all papers and to perform such other proper acts as Fisk University may deem necessary to secure for University or its designee the rights herein assigned.

_____
Employee

_____

Institution

_____
Date