

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, family 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., SHRM-SCP, SPHR
Vice President and Chief Human Resources Officer

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 faculty and staff 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. Queen Victoria was so impressed by the singers that she commented that with such beautiful voices, they had to be from the Music City of the United States. Hence, the moniker for Nashville, Tennessee – Music City USA – was born.

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 doctoral 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 Commission on Colleges (SACSCOC). 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.

OUR MISSION STATEMENT

Fisk University produces graduates from diverse backgrounds with the integrity and intellect required for substantive contributions to society. Our curriculum is grounded in the liberal arts. Our faculty and administrators emphasize the discovery and advancement of knowledge through research in the natural and social sciences, business and the humanities. We are committed to the success of scholars and leaders with global perspective.

OUR VALUES

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

The D.E.T.A.I.L.S. represents Fisk's core values. Our values reflect our overall ethical and moral engagement. We, the FISK Family, seek to internalize these principles and apply them in our day-to-day work and in our lives.

- **Diversity**- We believe that our individual differences are a collective strength. We will support and encourage diversity of opinion, of culture and aids us in building a collective wisdom that results in more powerful and relevant solutions to our challenges.
- **Excellence** - We believe that excellence is the result of a lifelong pursuit of the highest standards. At FISK, our collective quest is to earn merit through commitment to rigorous scholarship, cultural literacy, and high ethical standard
- **Teamwork** - We believe that individuals achieve high standards when supported by the collective work of others. We reinforce this value by constantly creating opportunities to collaborate both inside and outside of traditional alliances on our University, our proximate community, and the world
- **Accountability** - We believe that we must hold ourselves to the highest standard when we make commitments. Consistent and measurable follow-through is essential for individual and team progress. We are forthright about our successes and shortcomings and we will position FISK for continued achievement.

- **Integrity** - We believe that it is our responsibility to prepare young people to be stewards of an ever changing world. That means that we must model behavior grounded in truthfulness and compassion
- **Leadership** - We believe that leaders are obligated to empower those around them. We are consistent, transparent, and accountable. Through our words and behaviors we encourage others to exhibit these same attributes.
- **Service**- We believe that service is our ability to give the gift of knowledge to humanity. As we service, we become transformed and so are our communities.

OUR VISION

“To be the best small liberal arts university in America.”

CAMPUS RESOURCES

1. Campus Mail Center

The Campus Mail Center 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. The Mail Center 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.

2. University Library

The John Hope and Aurelia Elizabeth Franklin Library is centrally located and easily accessible from other campus buildings. Employees with current campus identification cards may borrow books from the library and conduct research in special collections, following library policies. Employees are also welcome to tour the facility and special collections to view various promotional displays. Please contact the Dean of the Library for a tour of the facility and to become familiar with the library’s database and other materials and services available to faculty and staff. A description of the library and its resources is also accessible on the University’s website.

3. Information Technology

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

4. University Relations

The Office of University Relations is available to facilitate contact with the media, generate media exposure for the University, and coordinate marketing and advertising efforts on behalf of the University.

5. Campus Safety and Lost & Found

The Campus Safety Office is located in the lower level of Carnegie Hall and also serves as the official lost and found headquarters for the University. The Campus Safety 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. You can contact Campus Safety at (615) 329-8777 or safety@fisk.edu.

6. Fisk University Galleries

Fisk University Galleries, houses an impressive permanent collection of over 4,000-object. Our Collection includes modern American and European art, African and African-American art among others. Significant gifts include the Alfred Stieglitz Collection of Modern Art donated by Georgia O'Keeffe in 1949, and the Harmon Foundation gift from 1967.

Fisk University Galleries houses two exhibition spaces on campus: the Carl Van Vechten Gallery and the Aaron Douglas Gallery (on the third floor of the Franklin Library). Both spaces feature rotating exhibitions highlighting works from the collection as well as special exhibitions of nationally and internationally celebrated artists. Fisk University Galleries works with visiting scholars conducting research on the collections, organizes guest lectures in conjunction with its exhibitions and educational programs, works with faculty and students on research projects, facilitates community and class tours of the exhibitions, and pulls objects from the collection for class visits. Fisk University Galleries manages art from its permanent collection on view around campus, and the display of works at Fisk is governed by the Campus Art Policy.

The Carl Van Vechten Gallery's opening hours are 10am-4pm Monday-Saturday with extended hours until 7pm Thursdays and Fridays. The Aaron Douglas Gallery is open Monday-Friday 10am-4pm. For more information on Fisk University Galleries, please contact the Director of Galleries/Curator..

7. 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.

8. *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 Engagement and Enrollment Services for service times and other chaplain activities.

EMPLOYMENT PRACTICES, POLICIES AND PROCEDURES

Fisk University employs faculty and staff (executive, administrative and professional), clerical, fiscal and technical staff and student employees.

1. *Faculty*- Policies affecting faculty are outlined in the faculty offer letters and in a separate faculty handbook.
2. *Executive (Senior Administrators)* – Refers to top administrators at the university who plan, direct and formulate policies, set strategy and provide the overall direction of University for the development and delivery of services, within the parameters approved by boards of trustees or other accrediting bodies. These positions oversee entire areas of the University. Policies affecting senior administrators are stated in this employee handbook.
3. *Administrative* - Refers to a staff employee whose duty consists of the director, associate, or assistant administrator of a recognized entity, is not more than three levels below the President or a Vice President, is responsible for participating in the administration of the department or entity and is responsible for the duties and responsibilities of the administrator or director in his/her absence. Policies affecting administrative staff members are stated in this employee handbook.
4. *Professional* – Refers to most positions subordinate to any Executive or Administrator.
5. *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.
6. *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 Benefits Purposes

1. *Regular Employee*- An employee who is employed on a continuing basis and who has successfully completed a six (6) month introductory period.
2. *Full-time Employee*- A regular full-time employee who is normally scheduled to work forty (40) hours per week is eligible for all Fisk-sponsored benefits. Under the Affordable Care Act (ACA), generally an employee who works an average of thirty (30) hours per week (or at least 130 hours in a month) during the 'measurement period' becomes eligible for coverage under the Fisk-sponsored medical plan. An employee who is normally scheduled to work thirty (30) hours or more per week is eligible for the Fisk-sponsored medical plan only.
3. *Part-time Employee*- An employee who is normally scheduled to work less than twenty (20) hours per week. A regular part-time employee is eligible for most Fisk-sponsored benefits. Human resources will monitor the hours of part-time employees to determine if they become eligible for coverage under its Fisk-sponsored medical plan.
4. *Probationary Employee*- A new regular employee, exempt or nonexempt, who serves a trial period of employment designed to allow the University to determine if the employee has the necessary attributes and competencies to perform the essential duties of his/her position. Nonexempt regular employees new to the University generally serve a probationary period of six (6) months. Exempt employees new to the University generally serve a probationary period of one (1) year.
5. *Temporary Employee*- An employee who has accepted either part-time or full-time employment for a specified length of time, normally, not to exceed six (6) months. Temporary employees are not eligible for Fisk-sponsored benefits.

Please note that when a part-time employee's employment status changes from thirty (30) hours to forty (40) hours or a 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. *Hourly 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 reports documenting the days and hours worked. Non-exempt employees are paid on a semi-monthly basis.
2. *Salaried Non-Exempt Employee*- An employee who is paid a specific annual salary for a fixed number of hours, which is paid on a semi-monthly basis. Salaried non-exempt employee receive overtime compensation when they exceed the fixed number of hours and work more than forty (40) hours in a workweek and are required to submit hourly time reports documenting the days and hours worked.
3. *Exempt Employee*- An employee who is paid a specific annual salary, which is paid on a semi-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, including storage and/or access to personal electronic records.

EMPLOYMENT AT-WILL

Fisk University has established employment guidelines in accordance with the regulations specified by the State of Tennessee. Your employment relationship with the University 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 cause. Likewise, Fisk University retains the same right to terminate employment with or without prior notice and with or without 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. Nothing provided in any other document, policy or statement, whether in writing or verbally, shall affect the employee’s at-will status unless expressly stated in writing. Therefore, while Fisk may have a disciplinary system in place, this system does not have to be used. The University may make the decision to terminate you without first taking disciplinary steps.

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 applicable state laws regarding lawful employment, and shall not be used for any employment-related decision or for any unlawful purpose.

The University participates in E-Verify, and will provide the Social Security Administration (SSA) and, if necessary, the Department of Homeland Security (DHS), with information from each new employee’s Form I-9 to confirm work authorization. If the government cannot confirm that you are authorized to work, Fisk will provide you with written instructions and an opportunity to contact DHS and/or the SSA before taking adverse action against you, including terminating your employment.

PRE-EMPLOYMENT BACKGROUND SCREENING

Fisk University is committed to protecting the security and safety of students, faculty, staff and others working in our utilizing University facilities, and safeguarding the assets and resources of the University. Background checks serve as an important part of the employment screening process and are required prior to hiring all faculty, staff and temporary employees regardless of the duration of employment, and for current employees seeking certain promotional opportunities or transfers. The check may include, but is not limited to: criminal history screening on both the State and National level, verification of social security number, prior work verification, verification of academic credentials, credit history, motor vehicle history, drug testing, and other testing deemed relevant based on the nature and duties of the position(s) sought. The investigation will be conducted by a qualified vendor selected and approved by the University to conduct such investigations.

PROHIBITION AGAINST OTHER FULL-TIME EMPLOYMENT

Any full-time University employee who simultaneously holds another full-time position or its equivalent, whether permanent or seasonal, will be deemed to have a conflict of interest and will be asked to resign from one of the full-time positions. Full-time employees must promptly disclose to the Human Resources Office other full-time employment or its equivalent.

Nothing herein shall be deemed to prevent the University from immediately terminating or otherwise disciplining an employee who fails to disclose such other full-time employment when the University determines an irreconcilable conflict has occurred.

IDENTIFICATION CARDS

Upon date of hire, all 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 at all times while at work and kept in a secure place. Identification cards are issued by the Office of Campus Safety, located in the lower level of the Carnegie Hall Building. Identification cards are non-transferrable. Any employee who transfers their card to another person for use may be disciplined, up to and including termination.

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. There will be a replacement fee of \$50.00 for lost employee ID Cards.

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 lower level of 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. Misuse of keys or violations of the key policy could result in disciplinary action.

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. The University reserves the right to assess any and all cost and expenses for duplicate keys and/or the re-keying of any lock as a result of lost, stolen and/or misplaced keys. There will be a replacement fee of \$50.00 each for lost keys. Employees will be charged for all fees associated with the loss of a master key, to include the cost to rekey or rebuild locks connected to the master key.

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 Office of Human Resources or the Office of Facilities & Grounds. When keys are issued 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.

When an employee leaves the University, the departing employee must return all keys to the Office of Human Resources as part of the employee exiting process. This must be done before the employee receives full clearance from Human Resources for a release of his/her final paycheck. Employees should never turn over their keys to their supervisor, co-worker or the employee taking their place. Departing employees who have signed a key agreement will be assessed \$50 for each unreturned key, and the amount will be deducted from the departing employee's final paycheck.

MEAL PERIODS

All employees will be given a designated time away from work to eat. Mealtime is generally not compensated. Except as otherwise stated, meal periods will be one (1) hour in duration and should be scheduled to accommodate the operational requirements of each department. Bargaining Unit employees should refer to the Collective Bargaining Unit Agreement with regard to the policy governing their meal periods.

MOTOR VEHICLE RECORDS

While a daily and seemingly perfunctory activity, driving for work purposes can pose a substantial risk to the University. Fisk must ensure that those employees who drive vehicles while on Fisk business are in fact safe and trustworthy drivers. Unsafe drivers pose an unacceptable risk to the University. With this in mind, the University reserves the right to inspect and review the Motor Vehicle Record (MVR) of any employee, and impose restrictions or other disciplinary actions on any employees whose MVRs demonstrate unsafe or careless driving habits.

Fisk University's MVR Policy applies to any Fisk personnel who operate a vehicle for organizational business, whether using Fisk vehicles, personal vehicles or rental cars. Such personnel includes full-time employees, temporary employees, contractors, interns, volunteers, coaches or other representatives. For purposes of the MVR Policy, "Organizational business" is defined as all matters pertaining to Fisk University, including errands, pick-up of Fisk visitors, athletic, extracurricular or academic events, and driving on business trips.

All drivers must have a valid driver's license of the proper class and appropriate endorsements where necessary. If an employee's license has been suspended or revoked, the employee must immediately notify Human resources and refrain from driving. Employees must report all accidents and moving violations to their supervisor. Applicants will be required to report all accidents and moving violations at the time of hire. A MVR report will be ordered annually for all current employees whose essential functions include driving on organizational business or who occasionally drive a Fisk owned vehicle.

Employees, applicants, or other Fisk personnel operating a vehicle for organizational business shall sign a consent form authorizing the annual search of MVR records with the applicable Department of Transportation (DOT).

Fisk may evaluate an employee's status and authority based on review of that employee's MVR results, including for "Major Violations" (such as leaving the scene of an accident, driving under the influence of drugs or alcohol, driving more than 20 MPH over speed limits, reckless driving) as well as "Minor violations" (driving less than 20 MPH over speed limits, failure to yield, running stop signs, etc.).

Fisk may restrict business driving activities, impose disciplinary action, terminate employees or otherwise decline to hire applicants if Fisk determines from MVR reviews that the employee or applicant has a poor driving record, which could include one or more of the following:

1. Conviction for an alcohol or drug-related driving offense;
2. Conviction for reckless driving;
3. A combination of three or more moving violations, "at fault accidents" or "preventable accidents" within the most recent three-year period;
4. Suspension, revocation or administrative restructure within the most recent three-year period;
5. Three (3) or more incidents involving damage to Fisk vehicles or rental vehicles used for organizational business in any twelve (12) month period.

In addition to the above, if the University determine an employee or applicant has a poor driving record by the number and severity of infractions on an employee's MVR, whether the employee's essential job functions include driving on organizational business, and other individual circumstances. Fisk may also counsel employees with marginal driving records.

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.

Attendance dates for orientation are managed and scheduled by the Office of Human Resources based on the successful completion of the departmental hiring process. Please contact the Office of Human Resources whenever further clarification of University human resource policies and practices is required. The Employee Handbook can be viewed on the University website or provided as a hard copy document. New Hires must sign a Handbook Acknowledgement Form indicating that you have received a copy or are able to access a copy of the Employee Handbook either online or through the Office of Human Resources.

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 who display the appropriate placard or decal on their car. All employees, including disabled employees and employees of service providers are required to purchase a parking permit from the Office of Campus Safety, to avoid having their vehicles ticketed and/or towed. Parking permits, with the exception of temporary permits, should be placed on the rear view mirror inside the vehicle or affixed to the outside of the driver side rear bumper or window.

PAY SCHEDULE

All employees are paid on a semi-monthly basis. For pay schedule dates, please refer to the pay schedule calendar on the employee bulletin boards 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. It is the policy of the University to permit an employee the opportunity to review his/her personnel file that is maintained in the Office of Human Resources. Personnel files maintained in the Office of Human Resources are the official employment record of an employee and are the property of the University and cannot be duplicated without explicit authority from the Vice President and Chief Human Resources Officer.

Employees may request access to their personnel files for viewing purposes only. Requests for access must be provided in writing to the Office of Human Resources. Upon receipt of the written request, Human Resources will schedule an appointment for the employee to view their file during normal office hours. Employees are not permitted to remove or copy any documents from the personnel file. The University will not provide copies of the personnel file. A former employee does not have access to his/her personnel file after employment ends.

Managers may review the file of his/her current employee, maintained in the Office of Human Resources, when appropriate. Additionally, managers considering the hire of an employee in another department may review the file of employee when the employee has expressed an interest in or applied for an opening in the manager's department.

As required by law, some records pertaining to employees are maintained in separate files relating to medical issues, payroll information, and internal investigations.

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 disclose only the dates of employment and job titles(s) to outside agencies, except as required by law, as authorized by the employee, or where deemed necessary by the University at its discretion. Only the Office of Human Resources is authorized to release such information. University offices should forward requests for employment verification to the Office of Human Resources. Representatives of government or law enforcement agencies, in the course of their duties, may be

allowed access to an employee's personnel file. This decision will be made at the discretion of the University in response to a valid subpoena or a valid court order.

EMPLOYEE SELF-SERVICE

Employee Self-Service (ESS) is available for all active employees to access and change their personal data. This is live data, so handle your changes accordingly – your changes could impact your personal information or your pay.

Examples of changeable data include:

- Address
- Phone numbers
- Emergency contacts
- W-4 information
- Banking (i.e., direct deposit) information

Other information can be reviewed online, such as:

- Paycheck inquiries (both current and in the past)
- Benefits participation overview and Benefits Statement
- Accrued vacation, floating and sick leave hours.

ESS is conducted through the Web. The Payroll Office will provide you with your username and temporary password.

PROBATIONARY/INTRODUCTORY PERIOD

New 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, provided that there has been no break in service, credit is given for sick leave and vacation leave time according to the current Vacation Time Policy, retroactive to the date of hire and at the rates indicated in the benefit section of this handbook and/or the Collective Bargaining Agreement.

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 Office of Human Resources for review and final approval from the Chief Human Resources Officer.

In the event a supervisor makes the recommendation not to grant the employee regular employment status, the Chief Human Resources Officer determines whether the employee is to be given an appointment as a regular, full- or part-time staff member. The Chief Human Resources Officer notifies the affected employee. 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 creation of a contract for employment or as a guarantee of employment for any specific duration. Nothing in this provision guarantees any employee the right to successful completion of the introductory period or of an extension of the introductory period. Further, any employee remains an employee at will during the introductory period and is subject to termination during this period with or without cause.

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 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. Except for Vice President and the General Counsel level positions, and higher, 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 are eligible to apply for transfers/promotions after being in their current position for one (1) year. 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.

If an employee wishes to apply for employment in another position at the University, the employee must submit their application materials through the online system for consideration for a specific vacant position; paper applications or resumes will not be accepted. .

EXTERNAL APPLICATION PROCEDURE

Interested external applicants wishing to apply for employment at Fisk University are required to submit their application materials through the online system for consideration for a specific vacant position; paper applications or resumes will not be accepted.

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 Office 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. Any offer of employment made before a background check has been completed shall be expressly conditional upon successful completion of the background check. Further, employment may begin prior to the completion of the background check only as a conditional offer of employment, and when the hiring authority establishes to the satisfaction of the Chief Human Resources Office that there is a compelling need. In such cases, the Chief Human Resources Officer will provide the hiring authority with condition of hire language.

Conditional offers shall be withdrawn, and if employment has begun then it shall be terminated, if the results of the background check are deemed to disqualify the applicant for the position.

If the background check reveals criminal records, and other serious misconduct, excluding minor traffic violations, the Chief Human Resources Officer will consult with Legal Counsel. In such cases, the Chief Human Resources Officer and Legal Counsel shall make a determination as to whether the background check results disqualify a candidate from employment at Fisk. The extent required by the Fair Credit Reporting Act, applicants will be informed, in writing of adverse information discovered in the background check and given an opportunity to respond. If the

candidate is disqualified from employment, written notice will be sent to the candidate informing him or her that the decision was based on the background check.

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.

OFFER OF EMPLOYMENT PROCEDURE

Once a decision has been made by the hiring manager, and in consultation with the Chief Human Resources Officer and department head, if it is agreed that an offer of employment should be made to the candidate, the Office of Human Resources issues a salary/offer letter approved and signed by the President. The approved salary/offer 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 (20) hours in any week during the academic year and no more than forty (40) hours per week during the summer and semester breaks. These hour restrictions must be followed regardless of the number of on-campus jobs held by the student or whether the student is paid through the federal work student program or a departmental budget.

Graduate assistants are not employees since their relationship is primarily for learning purposes and their duties should be designed to foster student training and graduate learning experiences, as they are working toward a graduate degree. Although assigned teaching, research or administrative support duties, graduate assistants are regarded by the University as students and not as employees. As such, graduate assistants receive monthly stipends. They do not receive salary/offer letters, do not accrue paid sick leave, vacation leave or holiday leave. Fisk University requires all full-time undergraduate and graduate students to have basic health insurance. Fisk University offers a Student Health Insurance Plan (SHIP) for undergraduate and graduate students. If a student already has other insurance coverage in effect, then coverage for the SHIP may be waived. Waivers submitted in the Fall are applicable to the Fall, Spring and Summer semesters. Students that do not waive the SHIP coverage are automatically enrolled. Charges for the SHIP is billed on the student's account.

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, is prohibited.

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 or determinations regarding 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 familial 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 such 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.

TIME RECORDS

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 accurately report time worked on a daily basis and any approved time off online using the Employee Self-Service tool. Time records must be approved by the employee's supervisor online using the Employee Self-Service tool by 10:00 a.m. of the week in

which payroll checks are to be issued. All absences for non-exempt employees (holiday, vacation, sick, voting and/or personal day) must be submitted online through Employee Self-Service.

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 time record for hours worked; however, they will be required to submit all time off requests online using the Employee Self-Service tool 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 may be invited to attend meetings and training sessions in order to pursue self-enrichment training opportunities. In addition, employees may be permitted to attend local seminars and workshops pertaining to their area of work, per the budget approval of the department head based on work load, subject matter, and the budget.

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. Under normal circumstances, employees must be in their current position for a minimum of one (1) year before an application for transfer will be considered by the Office of Human Resources.

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 an employee to a senior role in the University 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 Chief Human Resources Officer notifies the employee and other offices as necessary.

For other employees, the employee's supervisor is responsible for recommending a promotion to the Chief Human Resources Officer 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 supervisor will consult with the Chief Human Resources Officer regarding any funding available and the amount of any proposed salary increase. The promotion recommendation and supporting materials are sent to the Office of Human Resources and reviewed by the Chief Human Resources Officer. The Chief Human Resources Officer will make a determination and recommendation and then forwarded to the President for final review/approval.

Where the Chief Human Resources Officer fails to concur with the recommendation received from the employee's supervisor, the supervisor's recommendation and supporting materials will be included with the Chief Human Resources Officer's submission to the President. The President's action on the request is communicated to the Chief Human Resources Officer, 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 for non-collective bargaining unit employees. Bargaining unit employees should refer to the Collective Bargaining Agreement regarding their lunch and meal periods. 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 Chief Human Resources Officer as the ADA 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 by phone, voicemail, text and/or email. It is the employee's responsibility to keep a verifiable record of the contact (email or text messages are preferred). 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. Notification by an employee to his/her supervisor of anticipated tardiness does not mean the employee will be excused.

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 voluntarily 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, regardless of whether the employee is probationary or permanent. 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 Business Related Travel Form and the Travel Expense Form if University funding will be utilized.

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) business days after the trip return date. Original receipts, not copies, must be attached. Failure to file the Travel Expense Form with the timeframe set forth above may result in the University's election to decline reimbursement to the employee. Additionally, the University may decide against reimbursement of any expense for which the employee is unable to produce an original receipt.

In the event the employee fails to provide an original receipt within the timeframe set forth above, the amount of the expense shall be deducted from the employee's next and/or final paycheck.

Failure to obtain a supervisors prior authorization and/or failure to properly file a Travel Expense Form within ten (10) business days after the trip return date along with original receipts may result in the University's election not to provide reimbursement to the employee and/or to seek repayment of expenses from the employee's pay, including accrued vacation and/or sick time in the University's discretion and as provided by applicable law.

For more information concerning travel authorization, travel advances, allowable expenses, or expense reporting, please contact 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 University Relations.

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

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 to non-authorized persons, and/or 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.

Full-time faculty employees and full-time staff employees may not accept full-time employment for compensation at another institution or organization while a full-time employee at Fisk University.

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 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:

1. Full-time employment outside of Fisk University, per the University Policy Prohibiting Other Full-time Employment.
2. Outside business, philanthropic, community, political, or other interests or activities that may impact your work commitment or the use of University facilities or supplies.
3. Outside interests, personally or those of members of your family, related to suppliers of goods and services to the University.
4. 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.
5. The use of information that the University considers privileged or confidential, for non-University purposes.
6. 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.
7. Acting as a University representative in representations to third parties related to transactions unknown or unauthorized by the University such as opening accounts or signing contracts without proper approval by Legal Counsel.

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 arrested or otherwise notified that he or she is suspected of an alleged criminal act, after he/she has begun employment with the University, the employee must notify his/her supervisor within five (5) days of the allegation. Failure to report the allegation that he/she is suspect of a criminal act 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:

1. The nature of an employee's work;
2. 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);
3. The extent of public contact, if any, and the normal expectations of outside parties with whom employees will work;
4. The prevailing dress practices of other workers in similar jobs.
5. Jeans are not permitted and any employee presenting for work on normal business hours will be sent home to return in more appropriate clothing.
6. 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.

Any employee sent home based on inappropriate clothing shall not be paid compensation for work until he or she returns appropriately dressed. Instead, until such employee reports back to work appropriately dressed, his or her time shall be counted against personal floating leave first if available, vacation leave if no floating leave is available, , sick leave if no vacation is available and then as unpaid but approved leave. If the Employee fails to report back to work within four hours, except in an emergency, he or she shall be subject to discipline, up to and including termination.

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 may 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 is 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:

1. 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);
2. Consuming alcoholic beverages while working or operating a Fisk vehicle;
3. Abusing alcohol off-the-job to the extent that attendance or on-the-job performance problems occur; and
4. 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.

ANTI-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.

B. 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.

C. 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.

D. Sexual Harassment

(1) 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.

(2) “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.

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

- a. "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.
- b. "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.

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

- a. 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.

- c. 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.
- d. 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.

II. 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 Chief Human Resources Officer 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 for Enrollment Management, the Dean of Students and the Title IX Coordinator, as appropriate.
 - (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 Chief the Human Resources Officer.
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 Chief 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.

3. 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 and/or the Office of Human Resources.

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 Chief Human Resources Officer.

If the conduct does not stop, you should then notify your supervisor or manager or the Chief of Human Resources Officer. 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 Chief Human Resources Officer. 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. Harassment that meets the definition of "sexual abuse", "stalking", "domestic violence" or "dating violence" will be handled in accordance with "Fisk's Policy and Procedure for Sexual Abuse, Stalking, Domestic Violence and Dating Violence."

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 Chief Human Resources Officer; or
3. File a written complaint with the Chief Human Resources Officer. 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 Senior Leadership Team will be referred to the Dean of Students, Provost and President respectively.

STEP FOUR: Intervention.

Once the employee completes Step Three, the Chief Human Resources Officer 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 Chief Human Resources Officer 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 Chief Human Resources Officer and submission of findings.

If the party accused of harassment disputes the allegations of the employee, or if the intervening person or the Chief Human Resources Officer determines that the complaint cannot be resolved

after completing Step Four, the Chief Human Resources Officer 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 Chief Human Resources Officer. The Chief Human Resources Officer will then make the final decision to accept, reject, or modify the findings as he or she deems necessary and appropriate. The Chief Human Resources Officer will then forward a copy of the findings and the decision to the complainant, the respondent, the supervising Vice President, 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 Chief Human Resources Officer to the President. The appealing party must submit their request for an appeal to the Chief Human Resources Officer within five (5) business days of the decision. Within three (3) business days of receipt of the appeal, the Chief Human Resources Officer 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 Chief Human Resources Officer. 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" includes romantic relationships as well as 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 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 Chief Human Resources Officer.

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, whether graduate and/or undergraduate, full-time, part-time and/or online, 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.

SMOKE-FREE CAMPUS

The Tennessee Non-Smoker Protection Act, also known as Public Chapter 410, was signed into law on June 11, 2007. 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, the University is a smoke-free campus and smoking is prohibited inside all University buildings, including residence halls, and on all University property. Smoking is also prohibited in Fisk University vehicles.

All employees are charged with the responsibility for ensuring adherence to this policy. In the event that an employee violates this policy on University property, the violation should be reported to the employee's supervisor and/or the Chief Human Resources Officer and he or she may be subject to disciplinary action, up to and including termination of employment.

SOLICITATION/DISTRIBUTION OF LITERATURE

With the exception of authorized third-party charitable giving campaigns for recognized and established charities which benefit the general community, 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, students, volunteers, and/or contractors on Fisk time (i.e. any time that those soliciting, or those being solicited, are supposed to be on duty) or in work areas for membership, contributions, funds or other purposes is strictly 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:

1. Falsifying or altering employment or other University records, including supplying false or misleading information when applying for employment or at any time during employment;
2. Violating the University's nondiscrimination, harassment, and retaliation policy;

3. Violating any of the University's written policies, whether or not contained in the employee handbook;
4. Establishing a pattern of excessive absenteeism or tardiness;
5. 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;
6. Disclosing without authorization or misusing confidential University, employee or student information;
7. Reporting to work intoxicated, under the influence of non-prescribed drugs or otherwise unfit for duty;
8. Illegally manufacturing, possessing, using, selling, distributing, or transporting drugs;
9. Bringing or using alcoholic beverages on the University campus or using alcoholic beverages while engaged in University business off University premises, except where authorized;
10. Using obscene, abusive, or threatening language or gestures;
11. Engaging in criminal conduct or acts of violence or making threats of violence toward anyone on University premises or while representing the University;
12. Stealing property from, or unauthorized possession of the property of co-workers, students or the University;
13. Fighting or provoking a fight on University property;
14. Having unauthorized firearms or other weapons on the University campus or while on University business;
15. Disregarding health, safety or security regulations;
16. Failing to report any personal injury sustained while on the job;
17. 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;
18. Unauthorized removal, duplication, or transfer of University keys;
19. 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;
20. Unauthorized use of University telephones or University equipment or facilities;
21. 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, and
22. 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.

FISK UNIVERSITY'S ATHLETIC DEPARTMENT: CODE OF CONDUCT FOR COACHES AND EMPLOYEES

I. ESTABLISHMENT OF AN ATHLETICS DEPARTMENT CODE OF CONDUCT.

- A.** Fisk University Athletics are key to Fisk's standing as a leading liberal arts university. Fisk Bulldogs sports are woven into the fabric of our student body and extended family. The student-athletes, coaches, and staff of our Athletics Department enrich and revitalize campus life.
- B.** Fisk University recognizes that collegiate athletics departments often have objectives and face challenges that require a balancing of interests. By definition, athletic competition requires confrontation, vigor, dedication and resolve. Fisk trusts and defers to its coaches and Athletics Department to use their best judgment to build thriving and exciting programs.
- C.** While Fisk University gives its coaches and athletics staff latitude in coaching and managing our teams, "Fisk Athletics" is but a single component of Fisk's operations. The Athletics Department, like every other part of our University, must operate in full harmony with Fisk's 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.

- D.** Numerous cases of improper, and even criminal, conduct in and around collegiate athletics programs are sobering examples of the consequences of failing to place college sports in the context of enriching the learning experience. In order to maintain best practices consistent with its mission, Fisk University implements a Code of Conduct for the staff and coaches of its Athletics Department.

II. SCOPE OF CODE OF CONDUCT.

- A.** The Code of Conduct applies to all part-time and full-time employees in the Fisk University Athletics Department, including, but not limited to, the Athletics Director, coaching personnel (head coaches, assistant coaches and graduate assistants), trainers, managers and other staff. The Code of Conduct may be

amended from time to time, as directed by the Office of the President or the President's designee.

- B.** Student-athletes must comply at all times with the Student Code of Conduct, even in athletic competition. Student-athletes who fail to do so may be disciplined by the Athletics Department and/or the Office of Student Engagement and Enrollment Management.

III. PROCEDURES.

A. Dissemination of the Policy.

1. Immediately upon execution of this Policy, a copy of the Policy and Code of Conduct will be given to each member of the Athletics Department.
2. Upon receipt, each current member of the Athletics Department shall review this Policy and Code of Conduct, and shall sign an Acknowledgement verifying their receipt and review.
3. Incoming Athletics Department members (new coaches, staff, etc.) shall receive and review a copy of this Policy and Code of Conduct immediately upon hire or appointment, and shall sign an Acknowledgement verifying receipt and review.

B. Monitoring and Reporting.

The Vice-President of Student Engagement and Enrollment Management and the Athletic Director shall monitor compliance with the Code of Conduct. If a violation or potential violation of the Code of Conduct occurs, during and/or if third parties (alumni, media outlets, etc.) notify the Athletics Department of a violation or potential violation, the University or the Athletics Department will initiate the investigation and the disciplinary process described below.

C. Discipline.

1. **Procedure.** Fisk University reserves the right to determine appropriate sanctions for any violation of the Code of Conduct. In the event a Head Coach, the Athletic Director and/or the Vice-President of Student Engagement and Enrollment Management determines that a violation has occurred, one or more of those individuals may confer with the party in violation. Where appropriate, the Athletic Director may also request a conference with the Athletics Department's media relations contact to review and assess the infraction.

2. **Disciplinary Action For Violations of Code of Conduct.** The University may impose appropriate discipline for infractions of the Code of Conduct. Disciplinary action shall be based upon the severity of the infraction, the relevant facts and circumstances surrounding the violation, and the violating party's disciplinary history/. The range of disciplinary action includes, but shall not be limited to, the following:

(i) **Written Reprimand.** A written reprimand will be placed in the file of the party committing the infraction, and admonish the party that future violations are likely to result in serious corrective action.

(ii) **Interim or Summary Suspension.** A violation of the Policy may result in an interim or summary suspension from employment, competition, or team activities.

(iii) **Condition of Interim Suspension.** During an interim suspension, parties accused of a Policy infraction may be denied access to the (i) the Athletics Department, (ii) other areas of the campus, including but not limited to classrooms, student facilities, etc., and/or (iii) all other Athletics Department activities which the party might be privileged to, as the Dean of Student Engagement, or a designee, may determine appropriate.

(iv) **Continuation of Interim Suspension.** Within two (2) working days of the interim or summary suspension, a designee of the Office of Student Engagement shall hold a preliminary hearing to determine if the suspension should continue until a formal hearing of the charges is held by the appropriate adjudicative body.

(v) **Dismissal or Termination.** The University reserves the right to dismiss the student-athlete or student staffer from an athletics team or participation in Athletics Department activities, which may result in the loss of financial or scholarship assistance. The University also reserves the right to terminate Athletics Department employees or coaches for violations of the Code of Conduct. In some cases, immediate termination may be appropriate.

SOCIAL MEDIA POLICY

Fisk University recognizes and supports the rights of its students, faculty and staff regarding freedom of speech, expression, and association. These rights are often exercised using Internet-

based social networks. At the same time, when we are identified as representatives of Fisk University, we are each obliged to represent Fisk and its extended family in a responsible and positive manner.

Once something is posted “online,” it never disappears. When your social media content contains reference to Fisk or suggests that you are affiliated with Fisk, then -- for better or for worse -- that content is a global advertisement for Fisk. Your audience includes Fisk alumni, communities of Historically Black Colleges and Universities, the higher education industry as a whole, and the media. In this respect, you no longer represent only yourself. You represent the Fisk University brand. Your general conduct in social media forums should portray Fisk in a positive, constructive manner.

Social media content allows third parties, including media, faculty, and potential employers to access personal information, including pictures, videos, user content (comments and posts) and links of interest to the author. If accessed by third parties, inappropriate, questionable or illegal content posted using Fisk accounts, the image of the University as a whole can be tarnished. Such content can also be detrimental to careers, job prospects and reputations.

While representing Fisk, or identifying yourself as a student, faculty member or staffer, you are expected to communicate in a positive manner at all times. This is why all content posted for public consumption through social media websites must be consistent with federal and State laws, as well as rules and policies of the Employee Handbook, Faculty Handbook and Student Code of Conduct.

This Policy sets rules and guidelines for those students, faculty and staff authorized to speak as representatives of Fisk University. The purpose of this Policy is to ensure you exercise sound judgment, safeguard your privacy, and protect the integrity of that which you represent, Fisk University.

This Policy governs the proper use of social media in the name of, or on behalf of, Fisk. This Policy is not intended to regulate or prevent personal Internet or social media use by faculty, staff or students while they are on personal time.

Notwithstanding anything in this Policy to the contrary, Fisk does not intend to restrict the exercise of Fisk employees’ rights to engage in concerted, protected activity with co-workers as to the terms and conditions of employment. Fisk encourages its employees to address job-related concerns to supervisors, the Department of Human Resources, or (where applicable) union representatives.

This Policy is not intended to restrict or otherwise contradict academic freedom.

DEFINITIONS

For the purposes of this Policy, the University uses the following general definitions, which are not all-inclusive.

- A. **“Blog” (noun)** -- A site on the Internet/World Wide Web which an individual or group of users posts “Content.” Blogs include “comment sections” on media websites or other websites, including websites owned or managed by the University.
- B. **“Blog” (verb)** – To post “Content” on a website or via “Social Media.” “Blogging” includes ‘Facebooking’ or “Tweets/Tweeting.”
- C. **“Content”** -- Comments, opinions, items, or reposting or reproduction of videos, audio files, photographs, images, or other materials which are posted by an individual on an Internet website.
- D. **“Social Media”** -- Internet/World Wide Web sites where users post “Content,” “blog,” or create, share, and exchange information and ideas. “Social Media” includes member-managed websites and virtual communities and networks, such as Facebook, Twitter, Instagram, Reddit, Tumblr or “Blogs.”

RULES FOR SOCIAL MEDIA USE

With the aforementioned ideas in mind, the policy requires that faculty, staff and students observe the following bright-line rules in their use of “Social Media” while representing Fisk University.

- A. When using ‘Social Media’ or posting “Content” **as a representative of Fisk**, or in e-mails you send as a Fisk representative to outside parties:
 - (1) Your affiliation with Fisk University must be clearly identified.
 - (2) You should clearly describe the limits of your authority to speak on behalf of the University.
 - (3) You shall not use any official Fisk Social Media or e-mail accounts to conduct outside commercial business, given Fisk’s not-for-profit status.
 - (4) You should not respond to “Content” on the Internet (e.g., e-mail “forwards,” articles, blog posts, “re-Tweets,” “likes” on Facebook) on your own behalf while using an official Fisk Social Media or e-mail account.
 - (5) You shall not offer any employment at Fisk through Social Media.
- B. When using “Social Media” or posting “Content” **in your personal capacity (i.e., on your personal time or on your own behalf)**:

- (1) You should avoid use of Fisk-related outlets (Fisk e-mail addresses, or Fisk Social Media sites) to do so.
- (2) When using Social Media or e-mail personally, you must clearly state that the content is your own and does not represent Fisk. For example, a personal Twitter account should contain some disclaimer that “my views do not reflect the views of your employer, Fisk University,” or similar language.
- (3) You shall not use the Fisk brand (shield, logos, etc.) as your profile picture without express permission from the Office of Human Resources.
- (4) You shall refrain from posting “Content” containing or discussing Fisk’s confidential and proprietary information, or student/employee information protected under federal law (e.g., information protected under the Health Insurance Privacy and Portability Act (**HIPAA**) or the Family Educational Rights Privacy Act (**FERPA**)).
- (5) Fisk reserves the right to address personal “Content” which violates the standards set forth in Fisk’s Equal Employment Opportunity policies, Harassment policies, and/or Codes of Conduct.

C. “Content” (e.g., pictures, videos, comments, posts and tweets) that relate to or portray the following activities are prohibited on official Fisk e-mail or Social Media accounts:

- (1) Illicit drugs or drug paraphernalia;
- (2) Personal use of alcohol showing the personal use of alcohol and/or tobacco products. (No holding cups, cans, shot glasses, bottles, cigars, cigarettes, etc.);
- (3) “Harassment” or “Assault,” as defined in the Student Handbook or Employee Handbook;
- (4) Criminal activity;
- (5) Negative or derogatory comments based upon race, gender, religion, national origin, or sexual orientation; and

- (6) Pornography, pornographic acts, or other acts or depictions of an explicitly sexual nature.
- (7) “Content” which is negative or derogatory towards the University, or University affiliates or organizations is prohibited.
- (8) “Content” which contains confidential University information is prohibited. This includes information protected under the Health Insurance Privacy and Portability Act (**HIPAA**) or the Family Educational Rights Privacy Act (**FERPA**).

D. Examples of Social Media Policy violations include, but are not limited to, the following:

- (1) A staff assistant in Fisk’s medical clinic uses her mobile phone camera to take pictures inside the clinic and post them to an official Fisk Social Media site. The picture captures a student receiving treatment, a potential HIPAA violation. The staffer should have either not taken the picture or edited it before posting it as Content.
- (2) A member of a student group posts “Content” using an official Fisk account. The Internet hyperlink in that posted “Content” is to a third-party website critical of Fisk. The Fisk representative responsible for monitoring the Fisk account should have reviewed the “Content” (and links) more carefully before it was posted.
- (3) A faculty department chair comments critical of the University on an article on an outside media website or “Blog” critical of a Fisk policy. The department chair posts her comment in her personal name, leaving her to be clearly identified as an authority figure at Fisk. The department chair should have noted that her views did not reflect the views of Fisk University as a whole.

E. The University reserves the right to assign representatives to review and/or monitor “Social Media” accounts and/or posted “Content” for violations of the Social Media Policy.

GUIDELINES FOR SOCIAL MEDIA USE

In addition to the Rules listed in Section III, all members of the Fisk University community are encouraged to use Social Media consistent with certain guidelines.

- A. Be aware that readers and followers on social media sites include media, current and future student-athletes, students, faculty, administrators, alumni, parents, and community members.
- B. **Think before you “blog” or post “Content,”** and anticipate how all of the third parties that will see that post may react to it.
- C. Consider that everything you post is public information - any text or photo placed online is completely out of your control the moment it is placed online - even if you limit access to your site. “Content” may be accessible even after you remove it.
- D. The University suggests adjusting “security” and “privacy” settings on all Blogs and “Social Media” Sites so that only friends can view “Social Media” profiles and your other “Content.”
- E. Use caution when adding someone or inviting someone to be a friend. Understand that who you have listed as followers or friends is reflection on you. In doing so, you are reducing the prospects that information about you or Fisk can be used for improper purposes.
- F. Limit the posting of “Content” or use of “Social Media” revealing your general whereabouts or plans. This will minimize the risk of being stalked, assaulted, or subjected to other criminal activity. Avoid public disclosure of your email, home address, local address, telephone number(s) or other personal information whenever possible.
- G. What you post may affect your future. Many employers and graduate school admissions officers review social networking sites as part of their overall evaluation of an applicant. Carefully consider how you want people to perceive you before you give them a chance to misinterpret your “Content.”
- H. Refrain from posting “Content” when you are in an emotional state, so that you may avoid regret after you “press ‘Send’.”
- I. In consideration of NAIA guidelines, avoid posting “Content” relating to an athletic recruit, even if the recruit is someone you know personally, and even if that information is of public knowledge.

- J. Be familiar with the Rules and Guidelines of this Policy.

OFFICIAL “FISK UNIVERSITY” ACCOUNTS

In addition to a website, Fisk may also maintain official “Social Media” accounts. The requirements for these official accounts are as follows:

- A. Official “Social Media” accounts must be “owned” and administered by a full time staff member of Fisk University.
- B. All “Social Media” accounts shall have “Fisk” as the prefix or first name of any “Social Media” account (e.g., Twitter “handles,” Facebook pages, etc.) For example: “Fisk Athletics,” “Fisk Student Engagement” etc.
- C. Posted “Content” on official “Social Media” sites must be related to Fisk University or official activities. “Content” related to sports, and/or academic issues may be posted on official “Social Media” sites with the prior approval of designated Fisk staffers.
- D. A part-time staffer or student of Fisk may serve as an administrator of an official “Social Media” account and may post content but any official Social Media account must ultimately be “owned” by a full time staff member.
- E. A designated University administrator must be allowed access as a “friend” for all official “Social Media” accounts, or otherwise authorized to access and review those accounts.
- F. “Blogging” or posting “Content” using Fisk-owned accounts or sites that could be interpreted as an endorsement or promotion of a business product or service is prohibited.

PROCEDURES

A. Monitoring and Reporting.

If violations of the Policy are revealed during the monitoring process, “Content” and/or if third parties (alumni, media outlets, etc.) notify the University of “Content” or “Social Media” activity in violation of the Policy, “Content” found to be in violation of this Policy will trigger the disciplinary provisions of this Policy.

B. Removal of “Content” That Violates The Policy.

Fisk will remove any “Content” or “Social Media” that violates the Policy from all of its “Social Media” accounts immediately, or require any staffer, coach or student-athlete who posts “Content” in violation of this Policy to remove the “Content” immediately.

C. Discipline.

1. Procedure. The University reserves the right to determine appropriate sanctions for any violation of this policy.¹ If a student or employee has violated the Policy, the appropriate designee may confer with the party in violation to discuss the Policy infraction. A conference with the department’s media relations contact may also be held to review and assess the Policy violation.

2. Corrective Action For Violations of Policy. Fisk may impose appropriate discipline, based upon the severity of the infraction, the relevant facts and circumstances surrounding the violation, and the violating party’s disciplinary history.

(i) Written Reprimand. A written reprimand will be placed in the file of the party committing the infraction, and admonish the party that future violations are likely to result in more serious corrective action.

(ii) Interim or Summary Suspension. A violation of the Policy may result in an interim or summary suspension from employment, competition, or team activities.

(iii) Condition of Interim Suspension. During an interim suspension, parties accused of a Policy infraction may be denied access to: (i) all or parts of the campus, including but not limited to classrooms, student facilities, etc.; and/or (ii) all other Athletics Department activities which the party might be privileged to, as the Dean of Student Engagement, or a designee, may determine appropriate.

¹ Infractions involving union employees may be addressed, where appropriate, under the procedures contained in the governing collective bargaining agreement.

(iv) Continuation of Interim Suspension. Within two (2) working days of the interim or summary suspension, a designee of the Office of Student Engagement (for students) or Department of Human Resources (for faculty, and staff) shall hold a preliminary hearing to determine if the suspension should continue until a formal hearing of the charges is held by the appropriate adjudicative body.

(v) Dismissal or Termination. The University reserves the right to dismiss a student for violation of this Policy. The University also reserves the right to terminate the employment of faculty, staff or student employees for violations of this Policy.

SOCIAL MEDIA AGREEMENT

The University reserves the right to request that students and employees who represent Fisk in an official capacity execute a Social Media Agreement. (See Appendix D)

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., , 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:

1. Technology Resources are for business use only.
2. 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.
3. Employees consent to Fisk’s right to monitor its Technology Resources.
4. No discriminatory/harassing or otherwise offensive usage of the University’s Technology Resources is permitted.

5. University Technology Resources may not be used to violate any law, including but not limited to copyright laws.
6. 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.
7. The Internet is not secure. Employees should observe confidentiality protections at all times.
8. 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 (trademark 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 or willful and malicious harassment of another person or making a credible threat with the intent

to place the other person in reasonable fear of his or her safety, or the safety of his or her immediate family. This also includes virtual stalking on social media.

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.

1. 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.
2. Prohibit employees, former employees, vendors and visitors from bringing unauthorized firearms or other weapons onto Fisk's premises.
3. 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 campus safety 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 Office of Campus Safety 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 Campus Safety 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. The exception to this policy shall be for service animals as a disability accommodation, provided the accommodation request is made to the Office of Human Resources along with Medical documentation and prior approval to the request is made in writing by the Chief Human Resources Officer. Petitions for other exceptions are to be directed to the Director of Campus 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.

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. Failure to follow this Pet Policy may result in discipline, up to and including termination.

USE OF MOBILE TECHNOLOGY WHILE DRIVING

The use of mobile technology devices such as cellular phones, laptops, personal digital assistants, navigation systems and portable digital audio and video players have been shown to distract drivers and can increase the risk of motor vehicle accidents. Use of hand-held cellular devices while driving on University business is prohibited and hands-free devices are the only permissible use of cell phones at such times although the University discourages any use of cell phones while driving. Therefore, to minimize the impact of distraction while driving, calls should be brief. Sending or reading text messages or e-mails, dialing cellular phones, viewing television, articles on DVDs, inputting data into computers, personal digital assistants or navigation systems is prohibited while any employee is driving on University business. Failure to follow this policy may result in disciplinary action.

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.

CAMPUS SAFETY OFFICE

Fisk University's Campus Safety 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 Campus Safety Office provides 24-hour service for the entire campus. The Campus Safety Office ensures the University grounds have proper lighting on paths and creates a map of applicable precarious places on campus that require extra attention to ensure faculty, staff and students are aware of their own safety. The Campus Safety 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 and/or the Office of Human Resources, even if it 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 "Smoke-free Workplace" 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 Office of Human Resources 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 who 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 personnel in the Office of Campus Safety.

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

CLOSING DECISIONS & ANNOUNCEMENT INFORMATION

The Chief Human Resources Officer, in consultation with the Provost/Vice President for Academic Affairs, Director of Campus Safety, Director of Residential Life and Campus Services and Director of Purchasing, Sustainability and Facilities Development, makes a recommendation to the President. The President, or assigned designee, is responsible for making the final decision to formally cancel Fisk University operations and/or activities (or open late). The decision is communicated to the campus via public media, email and text message.

Employees may call the University's Office of Campus Safety 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, and Fisk Radio Station WSFK - 88.1 FM

Please note that when the University is closed, classes and other events or administrative activities are cancelled for the day. Unless otherwise specifically directed by the President, Chief Human Resources Officer or department head, essential University personnel will still be required to report to work.

During inclement weather, unless the specific road enforcement restrictions prohibit travel in a given area, individual employees must use their own best judgment as to whether they feel they are able to safely travel to and from work given local conditions regardless of whether the University is officially open. No employee is expected to unnecessarily risk personal safety to travel to or from work.

If an employee is unable to report to work due to local travel conditions in their commuting area or due to school closings or other personal situations caused by adverse weather, the employee must consult their immediate supervisor (staff) or their department chair and/or provost (faculty). Staff may use available vacation or floating leave and either not report to work or leave early, as appropriate.

Staff employees must track their time off in ESS utilizing vacation or floating leave time to account for missed hours or absences.

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 another form of emergency, full-time and part-time non-essential personnel will receive credit for the day(s) involved based upon the number of hours an employee is regularly scheduled to work.

Employees who are already on or scheduled for approved leave with pay (i.e. vacation or sick leave, etc.) on an authorized closing day will be charged leave, and will not receive credit based on the closing. When the weather is questionable, employees may be allowed to leave early at the

discretion of their supervisor or designate, who after taking into account, for example, the distance to be travelled or conditions likely to be encountered. Employees may not leave work without prior approval from their supervisor and will be expected to make up any lost time or use vacation or floating leave time off to cover the time. If an employee decides to leave or fails to report to work due to weather but the University is not authorized for an Emergency Closing, 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 that 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 treatment that has not been approved by the Office of Human Resources or workers' compensation carrier, 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 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. Provide the Office of Human Resources all applicable accident investigation forms in addition to the initial report of accident/injury. Provide any follow up documentation.

WORKERS' COMPENSATION BENEFITS

Employees who are injured on the job have the option to use sick leave, if available, or to take unpaid leave for the first seven (7) days. If a workers' compensation claim is determined to be compensable, an employee becomes eligible to receive benefits if he/she misses more than (7) calendar days. 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.)

For your future:

- 403(b) Retirement Program
- Tuition Remission Benefits
- Tuition Assistance Benefits

For your personal situation:

- Campus Housing for Faculty & Staff (Housing is based upon availability. Employee will be required to sign a lease agreement, and rent must be paid through payroll deduction.)
- Employee Discounts to include the following:
 - Fifth Third Bank
 - YMCA
 - Ascend Federal Credit Union
- 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), dental and vision coverage.

Coverages commence on the first (1st) day of the month after the employee's date of hire, and ends at the end of the month of termination. 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 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 1.5 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 (TIAA). All regular full-time employees, who are at least 21 years of age are immediately 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 in the matching Retirement Annuity (RA), an employee must be at least 21 years of age, must have completed two (2) years of services and must contribute between one (1) and five (5) percent of his/her semi-monthly salary, utilizing a salary deduction or reduction basis. Upon

eligibility, the University will make a matching contribution between one (1) and five (5) percent to the employee's 403(b) Retirement Annuity account.

An employee may, however, elect to immediately 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 in excess of the five (5) percent, and contributions made outside of the eligibility period, 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

Fisk University's tuition remission and assistance program is an extension of the University's training and development initiative, which is designed to provide employees with additional opportunities for, career and personal development through formal education and training. It is imperative however that an employee ensures that participation in such program's initiative does not interfere with the employee's position responsibilities. In the event that it does, the employee's supervisor has the right to decline future tuition remission and tuition assistance. Furthermore, this initiative is administered within the annual budget approved and voted on by the Board of Trustees, and is dependent upon the financial condition of the University, and can be denied at any time by the President. Therefore, the University reserves the right to cancel this benefit at any point in an employee's studies as Fisk, provided the employee will be allowed to complete any course he/she is enrolled in at the time the benefit is canceled.

A. TUITION ASSISTANCE FOR EMPLOYEES STUDYING AT FISK

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

Regular full-time employees of the University who have completed one (1) year of continuous service and have attained a minimum of a satisfactory rating in the employee's last performance evaluation; and

Regular part-time employees with at least five (5) years of continuous service who have attained a minimum of a satisfactory rating in the employee's last performance evaluation.

Fisk University will waive the course tuition for one (1) academic course per semester. Moreover, there is a limit of four (4) credits per semester. The employee is responsible for paying all fees,

including any fees associated with the course. To remain eligible for the tuition assistance, the employee must remain in good academic standing, with a minimum grade point average (GPA) of 2.0 each semester, and a minimum of a satisfactory rating in the employee's most recent performance evaluation.

Courses must be approved by an Academic Advisor, first, and by the employee's supervisor, in advance of enrollment. In addition, the unit head must include the cost of the course in the unit's budget; consequently, interested employees should request advanced permission and their managers include the cost of enrolling in a course in the annual budgeting process. If funds are not budgeted, the request for assistance may be denied.

The University will not provide tuition assistance for repeat courses.

Tuition assistance must be reimbursed if employee:

1. Does not satisfactorily complete the course within 3 months of its ending date,
2. Does not receive a grade of "C" or better, or
3. Leaves Fisk University before completing the course.

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

Tuition Remission is provided for courses taken 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 below, with a value not to exceed 131 undergraduate credit hours or 42 graduate credit hours, based on the academic program of study. Furthermore, since this initiative is administered within the annual budget approved by the Board of Trustees, it is dependent upon the financial condition of the University. It can be denied at any time by the President.

Fisk University will provide educational assistance for degree-seeking dependents taking courses at the University for the following eligible employee classifications:

Regular full-time employees of the University who have completed one (1) year of continuous service and have attained a minimum of a satisfactory rating in the employee's last performance evaluation; and

Regular part-time employees with at least five (5) years of continuous service who have attained a minimum of a satisfactory rating in the employee's last performance evaluation.

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 FOR TUITION REMISSION

The University will grant tuition to remission students who meet regular admission requirements of a 2.70 GPA and a 21 ACT score (or SAT equivalent). Students who fail to meet the regular admission requirements will not receive tuition remission. In addition, eligible students must file the Free Application for Federal Student Aid (FAFSA) and any other financial aid forms required by the University.

Courses must be approved and tuition budgeted in advance of enrollment. Tuition remission students must complete the Dependent Tuition Remission Form and obtain appropriate approvals, as prerequisites to participating in the program. The form must be completed at least thirty (30) days prior to the beginning of each semester. Forms are available in the Office of Human Resources or on the University’s website.

Eligible students may receive tuition remission for a maximum of four (4) academic years, with proration of the number of years for transfer students. Students must make satisfactory progress toward graduation to continue in the program.

Tuition remission students are responsible for paying all fees, including any fees associated with the course(s). To remain eligible for the tuition remission, the student must remain in good academic standing, with a minimum cumulative grade point average (GPA) of 2.0, and the employee must maintain a minimum of a satisfactory rating in his or her performance evaluations.

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)
- Americans with Disabilities Leave (ADA)
- Personal Floating Holidays
- Holidays
- Jury Duty

- Maternity Leave
- Military Leave
- Personal 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.

All regular full-time employees are eligible to take up to three (3) business days off as leave with pay for death in his/her family. All regular part-time employees are eligible to take up to three (3) business days off as leave with pay for death in his/her family based upon the number of hours an employee is regularly scheduled to work. All time off must be taken on consecutive business 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 regular employees can attend the funeral of a relative who is not an immediate family member, based upon the number of hours the employee is regularly schedule to work. 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.

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 or the Office of Human Resources 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, for members of the employee's immediate family. The Office of Human Resources will arrange for an expression of the University's condolences to be sent to the employee, or employee's immediate family.

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) POLICY

The Family and Medical Leave Act (FMLA) grants eligible Employees the right to take unpaid, job-protected leave for family and medical reasons. In addition, the FMLA requires the University to continue group health insurance coverage while an Employee is on FMLA leave. For purposes of this Policy, the term “Employee” includes members of the University’s faculty and staff.

GENERALLY.

Eligible Employees are entitled to Twelve (12) workweeks of leave in a 12-month period for:

1. the birth of a child, and to care for the newborn child within one year of birth;
2. the placement with the Employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
3. to care for the Employee’s immediate family member (spouse, child, or parent – but not a parent “in-law”) who has a serious health condition;
4. a serious health condition that makes the Employee unable to perform the essential functions of his or her job; or
5. any qualifying exigency arising out of the fact that the Employee’s spouse, son, daughter, or parent is a covered military member on “covered active duty;”

A qualifying exigency includes:

1. short-notice deployment (7 calendar days beginning on the date the service member receives notice of impending call or order to active duty);
2. military events and related activities such as official ceremonies, programs or events sponsored by the military;
3. childcare, parent care and related activities such as arranging alternative care, providing care on a non-routine, urgent, immediate need basis, enrolling or transferring a to a new school or care facility;
4. financial and legal arrangement activities such as preparing and executing powers of attorney;
5. counseling sessions;

6. spending time (up to 15 calendar days) with a covered service member who is on short-term, temporary rest and recuperation leave during deployment; and
7. post-deployment activities during the 90 day period following termination of the service member's covered active duty.

Eligible employees may take up to twenty-six (26) workweeks of leave in a 12-month period to care for a covered service member with a serious injury or illness who is the spouse, son, daughter, parent, or next of kin to the Employee (military caregiver leave).

ELIGIBILITY.

- A. Generally. To qualify as an eligible Employee, the Employee must have been employed at the University for at least twelve (12) months or have worked at least 1,250 hours during the twelve (12) month period preceding the date the Employee's leave request.
- B. Qualifying Exigency. To qualify for leave due to a "qualifying exigency," the service member must be on active duty or call to active duty status in support of a contingency operation as a member of:
 1. The National Guard or Air National Guard;
 2. Armed Forces Reserve (Army, Navy, Air Force, Marine Corps or Coast Guard);
or
 3. The Ready Reserve or Retired reserve
 4. Covered Active Duty excludes members of the Regular Armed Forces.
 5. State calls to active duty are not covered unless the order came from the President of the United States.
- C. Covered Service Member. To qualify for leave to care for a "covered service member," the service member must be a current member of the Armed Forces, the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who:
 1. has a serious injury or illness incurred in the line of duty on active duty; and
 2. for which he or she is undergoing medical treatment, recuperation, or therapy, or is in outpatient status, or
 3. is a member of the Armed Forces on the temporary disability retired list.

Former members of the Armed Forces, the National Guard or the Reserves, and members on the permanent disability retired list are not "covered service members."

CALCULATION OF LEAVE

The University calculates leave on a “rolling” twelve (12) month basis. To determine the amount of leave to which an Employee is entitled, the University subtracts the amount of FMLA leave used by the Employee during the prior twelve month period. For example, if an Employee requests FMLA leave on February 1, 2017, and the Employee used 8 weeks from July 1 to September 1, 2016, the Employee is entitled to only 4 additional weeks of FMLA leave.

FMLA may be taken on an “intermittent” basis or “reduced schedule” basis. For this purpose, the University utilizes a minimum of one (1) hour even if the actual amount taken is less than one (1) hour.

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.

SUBSTITUTION OF PAID LEAVE

FMLA leave is unpaid leave. The University requires all Employees with accrued sick leave, vacation or floating leave time available to use this paid leave concurrently with the FMLA leave. Therefore, an Employee on FLMA leave will be paid until that sick leave, vacation or other benefit is exhausted.

SPOUSES AT RISK

If a wife and husband are 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 up to twelve (12) weeks leave in any twelve (12) month period for these purposes.

NOTICE OF REQUEST FOR LEAVE

Employees are required to complete a Family and Medical Leave Act Request form. A copy of the FMLA Request form may be obtained from the University’s Office of Human Resources or on the University website. All FMLA Requests should be submitted to the Office of Human Resources.

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 need for leave is unforeseeable, the FMLA Request must be submitted as soon as practicable.

At the time of submission of the FMLA Request, the Employee generally will be expected to provide the anticipated timing and duration of leave. In addition, the Employee will be expected to state the reasons for the requested leave. If leave is requested for the treatment of the Employee's serious health condition or to care for a family member with a serious health condition, the Office of Human Resources will require a certification from a physician or other health care provider that states 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 Employees on FMLA leave obtain re-certification to support their qualifications for continued FMLA leave. The University may also require the Employee to obtain, at the University's expense, a second opinion from a healthcare provider designated by the University. If the second opinion differs from the opinion provided by the healthcare provider selected by the Employee, then the University may, at its cost, require a third opinion. That opinion shall be provided by a healthcare provider selected by the University and the Employee. The opinion of that healthcare provider shall be binding upon all parties.

ADJUSTED OR REDUCED SCHEDULE

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 may 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 FMLA LEAVE

An Employee on FMLA leave will continue to receive coverage under the Fisk medical, dental and vision plans at the level and under the conditions that such coverage would have been provided if the Employee had continued working. The Employee is required to pay the Employee's portion of any premium and/or other amounts paid by the Employee necessary to maintain current coverage.

If the Employee exhausts all accrued leave time available, and the FMLA leave goes into an unpaid status, the Office of Human Resources should be contacted as soon as possible to make

arrangements for the payment of those premiums. The failure of the Employee to pay his or her share of the premiums may result in cancellation of health insurance or denial of benefits.

DURING FMLA LEAVE

During FMLA leave, an Employee will be required to report to the Office of Human Resources with respect to his or her status and intent to return to work on a monthly basis. Employees may not engage in other gainful employment while on FMLA leave.

RETURNING FROM LEAVE

The University requires all Employees on FMLA Leave due to the Employees own serious health condition to present, as a condition to return to work, a certification from the Employee's health care provider(s) that the Employee is able to resume work. In addition, this certification must list any restrictions that may apply to the Employee's ability to perform the functions of his or her position.

Upon return to work, Employees on FMLA Leave will be restored to the position held prior to commencement of the leave or to an equivalent position.

KEY EMPLOYEES

“Key Employees” include salaried Employees who are among the University's highest 10 percent of all Employees (salaried and non-salaried) employed by the University.

If a Key Employee requests FMLA Leave, the University will inform the Employee when it receives the request whether reinstatement may be denied. If the University then determines, in good faith, that substantial and grievous economic injury to the University's operations will result if the Employee is reinstated, the University will provide notice of that determination to the Employee. At that time, the Employee may elect to return to work or continue on FMLA Leave. At the conclusion of the FMLA Leave, the University will make its final decision with respect to reinstatement and provide written notice to the Key Employee.

FAILURE TO RETURN FROM LEAVE

Employees on FMLA Leave who cannot return to work on the scheduled date of return must notify the Office of Human Resources as soon as practicable, but in any event prior to the date of

scheduled return. 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 or as soon as practicable.

If an Employee does not return to work on the designated date of the return, he/she will be deemed to have voluntarily resigned. Under certain circumstances, an Employee who fails to return to work after expiration of his or her FMLA leave may be required to repay the amount paid by the University for the Employee's health benefits during the leave period.

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. Employees or their supervisors must report all on the job injuries to the Office of Human Resources and complete an Injury Report Form. Workers' compensation leave runs concurrently with FMLA and state and local statutory leave.

MATERNITY LEAVE

Under the Tennessee Maternity Leave Act (TMLA), an Employee is entitled to four (4) months maternity leave without the risk of losing employment.

ELIGIBILITY

A Fisk Employee is eligible for Maternity Leave under the TMLA in relation to adoption, pregnancy, and childbirth or nursing of a child, if the following conditions are met:

1. That Employee has completed twelve (12) consecutive months of full-time employment with the University;
2. That Employee is not working part-time or full-time for another employer during the period of maternity leave;
3. The employees 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.

NOTICE.

An Employee's TMLA Notice shall include:

1. The anticipated date of departure for leave;
2. The duration of leave; and
3. A written statement that the Employee intends to return to full-time status at the end of TMLA leave.

ACCRUAL OF LEAVE (FMLA)

TMLA leave runs concurrently with leave under the Family Medical Leave Act (FMLA).

SUBSTITUTION OF PAID LEAVE.

Consistent with the TMLA, the University designates maternity leave as unpaid leave. The Employees who take TMLA leave shall use accrued paid sick leave, vacation or floating leave time concurrently with the TMLA leave. An Employee on TMLA leave is required to utilize all available and appropriate sick leave, vacation or floating leave before any portion of TMLA leave can be unpaid. Therefore, an Employee on TLMA leave will be paid during that leave period until his/her sick leave, vacation or other benefit is exhausted.

ADJUSTED OR REDUCED SCHEDULE.

An Employee may take intermittent or reduced work schedule TMLA leave. Where TMLA leave is taken (because of pregnancy, adoption, childbirth, or nursing an infant), an Employee may take TMLA 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 may 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.

RETURN FROM TMLA LEAVE

An employee will be returned to active employment when TMLA 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.

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.

PERSONAL LEAVE

A Personal Leave of Absence may be granted, with the approval of the President, when a medical emergency or personal crisis demands an employee's time or presence off the job. A Personal Leave of Absence will be granted on a case-by-case 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.

Faculty and Staff employees, may take a personal leave of absence for a period of up to three (3) months, without losing employment. Vice Presidents (members of the President's Senior Leadership Team) and Senior Administrators may take a personal leave of absence for a period of up to one (1) month, without losing employment.

The President, in his/her discretion, shall grant Personal Leave for such period of time as he/she determines in his/her sole discretion. 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).

A Personal Leave of Absence will result in the loss of eligibility to participate in the University's medical, dental and vision insurance plans and retirement annuity. However, the employee may qualify 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.

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.

LEAVE DONATION

An employee who has exhausted accrued sick and vacation days may be eligible for donated days through the Leave Donation Program. Contact the Office of Human Resources for eligibility criteria to receive and/or donate leave.

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:

<u>Month Hired</u>	<u>No. Days</u>
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.

HOLIDAYS

All regular, full-time and part-time employees are eligible to receive the following university holidays, plus any other discretionary holidays the University administration may announce, based upon the number of hours an employee is regularly scheduled to work:

New Year's Day

Martin Luther King Day

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.

JURY DUTY

Fisk University considers jury and witness duty a civic responsibility. The University does 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.

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 (60) 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.

VACATION TIME

Employees of the Collective Bargaining Unit should follow vacation leave procedures as outlined in the Collective Bargaining Agreement.

Employees in the department of Campus Safety should follow the vacation policy as 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.

<u>Years of Service</u>	<u>Vacation Accumulation Rate</u>
0 – 5 years	Ten (10) working days accumulated at the rate of 3.34 hours per semi-monthly, per year.
5 – 10 years	Fifteen (15) working days accumulated at the rate of 5.00 hours per month, per year.
10 or more years	Twenty (20) working days accumulated at the rate of 6.67 hours per month, per year

All other employees should follow the vacation policy outlined below.

Vacation time is credited to regular employees, in a pay status with the University, on a fiscal-year basis, which runs from July 1 – June 30 inclusive. After one year of completed service (at the beginning of the 13th month), newly hired employees shall be credited with ten (10) vacation days and shall earn vacation time as follows at the beginning of each fiscal year.

Years of Service & Vacation Days Earned

0 – 5 years: Ten (10) working days per year.

5 – 10 years: Fifteen (15) working days per year.

10 or more years: Twenty (20) working days.

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 the online Employee Self-Service tool that is approved by the employee's supervisor. 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 may not be carried forward to the next fiscal year. Earned vacation time not used by the end of the fiscal year 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 exempt employees and ten (10) days for -non-exempt employees.

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 to the supervisor 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. Time off to vote must be accounted for on a Leave Request Form and submitted with the time record.

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 probationary period, as well as annually, or prior to a promotion. Please note:

performance evaluations do not always result in wage/salary increases, transfers, promotions or any other benefit.

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 Probationary Period

The probationary 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 probationary period the supervisor will evaluate and provide the employee with feedback with regards to his/her performance. If job performance during the probationary period is unsatisfactory, the supervisor, in consultation with the Chief Human Resources Officer, 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, in consultation with the Chief Human Resources Officer, to

extend the introductory period (up to a maximum of 90 days), to provide additional training, or time for additional performance assessment.

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

After The Probationary 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, 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, demote or otherwise change 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 supervisor's working file. A copy of this oral reminder should also be forwarded to the Chief Human Resources Officer for review and for inclusion in the employee's personnel file.

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

- a. excessive patterns of absenteeism, tardiness or leaving early;
- b. minor neglect of or failure to satisfactorily complete assigned duties or performance improvement plans;
- c. failure to call in according to departmental policies when unable to report for work;
- d. failure to report back to work from authorized breaks in a timely fashion;
- e. unproductive use of work time;
- f. working unauthorized overtime;
- g. use of business phones/Internet access for personal reasons;
- h. violation of the University's smoking policy;
- i. carrying unauthorized persons in University vehicles;

- j. failure to interact collegially, maturely, and effectively with co-workers, students, or other individuals with whom the employee comes in contact;
- k. having unauthorized family members or friends in the work area, or
- l. unauthorized use of University resources.

This written warning stage may be omitted depending upon the seriousness of the performance issue or conduct.

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. Supervisors should consult with the Chief Human Resources Officer prior to a final written warning. Conduct concerns that may warrant a final written warning, includes, but is not limited to:

- a. rude or unprofessional conduct with a co-worker, supervisor, student or other individual with whom the employee comes in contact;
- b. violation of the University’s solicitation policy;
- c. neglect of duty that could result in minor loss or injury;
- d. violation of a University safety rule;
- e. accessing or disclosing confidential information without authorization;
- f. inappropriate email communications, or
- g. 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:

1. unauthorized removal, theft or destruction of University property, including property belonging to co-workers, students and/or visitors to the campus;
2. unauthorized use of University resources for personal gain;
3. possessing an unauthorized weapon on University premises;
4. violence or threats of violence on University premises;
5. refusal to obey a direct instruction from a supervisor;
6. falsifying University records, including employment applications and timesheets;

7. conviction of a crime involving controlled substances, dishonesty, violence or other behavior that impairs suitability for employment;
8. failure to report a criminal conviction to the employee's supervisor within five (5) days of a conviction;
9. violations of the Drug & Alcohol Policy and/or the Drug Free Workplace guidelines;
10. gross negligence that may result in injury or loss;
11. sleeping on the job;
12. absence of three (3) consecutive workdays without authorization;
13. violation of the University's harassment and non-discrimination policies;
14. disclosure of confidential University information;
15. inappropriate use of the Internet; or
16. violation of the University's Policy on Sexual Abuse, Stalking, Domestic Violence and Dating Violence.

In consultation with the Chief Human Resources Officer, 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. The employee's failure to sign the acknowledgement form shall not impact the initiation of employee discipline.

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 supervisor to first demonstrate to the Chief Human Resources Officer 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 probationary 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, except as required by law.

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 Chief Human Resources Officer 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 Chief Human Resources Officer 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 supervisor and the supervising vice president will receive a copy of the grievance for review as notification that a grievance has been filed.

Step 3: Review by Supervisor or Supervising Vice President

The supervisor or supervising vice president 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 Chief Human Resources Officer

The employee may appeal the decision, in writing, within seven (7) business days to the Chief Human Resources Officer, who shall immediately investigate the grievance, and if necessary appoint an ad-hoc grievance committee.

The Chief Human Resources Officer will take the steps he/she deems necessary to review and investigate the grievance. The employee, supervisor and supervising vice president 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, non-exempt staff are expected to give the University at least 10-days' written notice. However, 30-day notice is expected 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. The University expects that employees will continue working for the duration of the applicable notice period. Employees may not utilize accrued leave during the notice period.

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 make a recommendation to their supervising vice president and the Chief Human Resources Officer to discharge an employee. The Chief Human Resources Officer will review the recommendation for discharge, and make a formal recommendation to the President if dismissal is warranted before discharging an employee.

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 Office of Human Resources will conduct a confidential exit interview with the departing employee. The Office of Human Resources will schedule an exit interview before the employee's last day of employment.

E. RETURN OF UNIVERSITY PROPERTY

The Office of Human Resources will complete an Exit Checklist Form confirming that all appropriate Fisk property has been returned (i.e., keys, equipment etc.) during the exit interview. 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 including compensation and accrued sick and vacation time, pending the return of the items or payment of the obligation.

In addition, the departing employee will be required to sign the Exit Checklist Form 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.

Employees who have unreconciled credit cards or other debts to the University may be subject to such funds being recovered from the employee's final paycheck or any accrued and payable sick or vacation leave, all consistent with applicable laws, rules and/or regulations in effect at the time the employment is terminated.

Normal benefit deductions will be withheld from the employee's final paycheck and will include: medical, dental, vision, supplemental insurance premiums and Retirement contributions.

Direct deposit of final pay checks is not allowed.

EMPLOYEE HANDBOOK ACKNOWLEDGEMENT

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 A - 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:

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.

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:

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.

APPENDIX B - 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

APPENDIX C - FISK UNIVERSITY POLICY AND PROCEDURES ADDRESSING SEXUAL ABUSE, STALKING, DOMESTIC VIOLENCE AND DATING VIOLENCE

Fisk University strives to provide and preserve a safe learning and working environment, free from violence, for all members of its community. Fisk University prohibits any and all acts of violence on University premises or University-sponsored events. The following Policies apply to Fisk’s students, faculty, employees, vendors, contractors, guests, visitors, and third parties.

Fisk prohibits and does not tolerate sexual abuse, stalking, domestic partner violence or dating violence against any member of the Fisk community. Persons who violate this policy are subject to criminal prosecution and corrective action by the University, up to and including termination of employment, expulsion from the University, and/or other sanctions deemed necessary and appropriate by the University based on the facts of

PART I – DEFINITION OF TERMS USED IN POLICY

A. What Is “Sexual Abuse”?

“Sexual Abuse” occurs in many forms. Generally, it is unwanted physical contact or attempted physical contact of a sexual nature without the clear and express consent of both persons, or committed under threat or coercion. It includes the following –

1. Sexual Assault: Coercing or attempting to coerce any sexual contact or behavior without consent. Sexual abuse includes, but is certainly not limited to, rape, oral attacks on sexual parts of the body, forcing sex after physical violence has occurred, fondling, forcible kissing, or treating one in a sexually demeaning manner.²
2. Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.³

Sexual Abuse can occur at the hands of a stranger, close acquaintance or significant other. It is also considered “Harassment” under Fisk’s Anti-Harassment Policies. Tennessee law defines

² United States Dept. of Justice, Office On Violence Against Women, “Sexual Assault,” <http://www.justice.gov/ovw/sexual-assault>

³ Federal Bureau of Investigation, “FAQs About The Change In The UCR Definition of Rape,” May 20, 2013, at <http://www.fbi.gov/about-us/cjis/ucr/recent-program-updates/new-rape-definition-frequently-asked-questions>

sexual battery at Tennessee Code Annotated § 39-13-505, and rape at Tennessee Code Annotated § 39-13-503.

B. What Is “Consent”?

Consent must be given freely, voluntarily, and with a person’s knowledge of what the other person proposes to do. In terms of sexual Consent, a person is incapable of giving Consent where:

- (1) She or He is intoxicated by drugs or alcohol;
- (2) She or He is under the age of 18 (the legal “age of consent” in Tennessee); or
- (3) She or He has a physical or mental disability that is temporary or permanent, (i.e., physical injury, unconscious, asleep, drugged, etc.);

C. What Is “Stalking?” Under Tennessee law, “Stalking” is a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested, and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.⁴

In other words, Stalking is the pursuit of another person without Consent and/or without a reasonable legitimate purpose. It includes repeated harassment or threats towards another person. A stalker can be a stranger, acquaintance, student, employee, or anyone else.

D. What Is “Domestic Violence”? Domestic violence is violence done against an intimate partner (spouse, significant other, domestic partner, boyfriend/girlfriend, etc.) for purposes of controlling or gaining power over that intimate partner. Domestic violence includes psychological, sexual and physical abuse, leading to increasing entrapment of the victim (also known as “battering syndrome.”) Victims of Domestic Violence can be male and female, though females comprise a majority of Domestic Violence victims. Domestic Violence can occur in relationships between younger individuals. Domestic Violence can occur in heterosexual relationships or in gay/lesbian relationships.

E. What is “Dating Violence”? “Dating Violence” is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

⁴ Tennessee Code Annotated § 39-17-315(a)(4).

Dating violence includes actual or threatened physical abuse, and actual or threatened Sexual Abuse. Dating Violence can be considered a crime under state or federal law.⁵

GUIDELINES FOR VICTIMS OF SEXUAL ABUSE, STALKING, DOMESTIC VIOLENCE OR DATING VIOLENCE

If you have been sexually abused, stalked, or victimized by domestic or dating violence, Fisk University recommends you take the following steps to stop the abusive behavior begin your recovery, and ensure that the abuser is held accountable.

- A. Remove Yourself From Your Attacker, and Find A Safe, Secure Place, As Soon As Possible. If at all possible, separate yourself from your attacker. If you are on campus, please go to the Office of Campus Safety, or a resident assistant. If you are not on campus, then go to your nearest police precinct, local hospital, or home of a friend or a relative.
- B. Seek Medical Attention IMMEDIATELY. Please seek medical treatment as soon as you can so that your injuries (or in some cases, the transmission of sexually transmitted diseases) can be properly diagnosed and identified. If you have been a victim of Sexual Abuse, as painful as it may be, it is important that the physical evidence be kept with you at the time of your medical treatment. Do not bathe, shower, douche, or change clothing before seeking medical treatment.
- C. Notify The Office of Campus Safety and Local Authorities. Contact the Office of Campus Safety and the Metropolitan Nashville Police Department (“9-1-1”) as soon after the attack as possible. Authorities can also be contacted during your medical examination. You may seek Orders of Protection from local courts to keep your attacker away.
- D. Seek Counseling. There are numerous resources to seek counseling or mental/emotional support after an attack, including 24-hour hotlines. When you seek medical treatment, you can also ask for a referral for counseling or psychological treatment. Employees are encouraged to contact an Employee Assistance Program, and the University’s Office of Campus Counseling is available for all members of the Fisk community to seek counseling or referrals to other resources.

⁵ See 34 C.F.R. § 668.46.

FOR COMPLAINTS OF SEXUAL ASSAULT, STALKING, DOMESTIC VIOLENCE AND DATING VIOLENCE

Fisk University's policy is to take prompt and appropriate action when notified of potential Sexual Abuse, Stalking, Domestic Violence or Dating Violence by a student, faculty member or staff member. Every case or allegation is different. But the following procedure is Fisk's standard mechanism for interim relief, prompt investigation allegations, appropriate sanctions, and remedies for accuser and accused.

NOTICE REGARDING RETALIATION

Fisk will not tolerate retaliation of any kind, direct or indirect, against an individual reporting a complaint of Sexual Abuse, Stalking, Domestic Violence or Dating Violence. Any member of the Fisk community who engages in retaliation of this kind will be subject to disciplinary action.

- A. Step 1 – Filing of A Complaint or University-Initiated Investigation. IA victim of Sexual Abuse, Stalking, Domestic Violence or Dating Violence at the hands of a student or employee of Fisk may file a Complaint with the University. Those Complaints should be filed with the University within five (5) days of the attack.⁶ A Complaint may be filed in the following ways.
1. Complaints by Students. Students may file complaints with the Vice-President for Student Engagement.
 2. Complaints by Employees (including Faculty). Fisk faculty and employees may file complaints with the Director of Human Resources.
 3. Complaints by vendors, contractors, guests, and third parties. Vendors, contractors, guests and third parties may file complaints with the Office of Campus Safety.

NOTICE REGARDING SUPERVISOR DUTIES TO REPORT HARASSMENT

Any faculty or staff member holding a supervisory position at Fisk University who witnesses Sexual Abuse, Stalking, Domestic Abuse or Dating Violence is required to report the incident to the Office of Campus Safety promptly. Any faculty or staff member holding a supervisory position at Fisk University who receives a complaint of Sexual Abuse, Stalking, Domestic Abuse or Dating Violence is required to report the incident to the Department of Human Resources promptly. Failure to comply with this requirements may result in disciplinary action, up to and including termination of employment.

⁶ BB&T Guidelines

Even if no complaint is filed, University may, in its sole discretion, initiate an investigation or disciplinary/grievance proceeding against a student or staffer for Sexual Abuse, Stalking, Domestic Violence or Dating Violence. For example, the University may launch its own investigation if it discovers that criminal or legal proceedings have been filed against a student or staffer for Sexual Assault, Stalking, Domestic Violence or Dating Violence.

- A. Step 2 – Issuance of No-Contact Order and/or Other Relief (Where Necessary). If a complaint is filed, or the University launches its own investigation, the University may, at its sole discretion, issue a “No Contact Order” to both the alleged victim and the alleged abuser. A “No Contact Order” does not imply guilt or innocence of any party; it only seeks to prevent further harm. Fisk may also impose additional conditions on the accused while the complaint or investigation is ongoing.

Where the complaint involves allegations against a vendor, contractor, third party or guest, the University may issue a notice through the Office of Campus Safety not to return to Fisk premises or events until the investigation is complete. In some circumstances, Fisk may notify the vendor or contractor’s employer, or law enforcement authorities.

- B. Step 3 – Referral for Investigation and Notice to Parties. Complaints or investigations of Sexual Abuse, Stalking, Domestic Violence, or Dating Violence will be referred for investigation as follows:

Students: To the Office of Student Engagement and Enrollment Management. Investigations shall be conducted by the University’s Judicial Officer (or designee) pursuant to the Judicial System procedures outlined in Fisk’s Student Handbook.

Faculty and Staff: To the Office of Human Resources. Investigations shall be conducted by the Vice-President of Human Resources or a designee appointed by the Vice-President of Human Resources.

Members of Administration: Complaints involving senior members of the administration shall be referred to the Office of The President and/or the General Counsel. The President and/or General Counsel may appoint a designee to conduct the investigation.

The accuser and accused will each be notified of the investigation.

- C. Step 4 – Investigation Procedures. Investigations of Sexual Abuse, Stalking, Domestic Violence or Dating Violence shall be conducted as promptly as circumstances permit. Investigations will be conducted along some basic parameters:

- 1. Prevention of Retaliation. Fisk will ensure that parties and witnesses to complaints or investigations are not retaliated against for their cooperation or information provided. Such retaliation is grounds for disciplinary action.

2. Confidentiality. Fisk recognizes that those victimized by Sexual Abuse, Stalking, Domestic Violence or Dating Violence often want their identities to remain confidential. Fisk respects those wishes, but will weigh confidentiality requests using the following factors: 1) the seriousness of the complaint; 2) the age of the accuser; 3) the accused's prior complaint history (if any); 4) the accused's rights to receive information under the Family Educational Rights and Privacy Act (FERPA); and 5) whether an investigation can be completed if the accuser remains confidential.⁷

Fisk will seek to disclose information on a "need to know basis, wherever possible. Fisk cannot promise to preserve confidentiality in situations where doing so would prevent it from carrying out its obligations under the Clergy Act, Title IX of the Civil Rights Act or the Violence against Women Act. Fisk reserves the right to report confidential complaints to law enforcement authorities if it believes doing so is necessary for the safety of the Fisk community

An accuser's communications with a licensed medical professional (psychologist, psychiatrist, etc.) shall be kept confidential.

3. Cooperation with Investigation. Fisk expects its students, faculty and staff to with investigations of Sexual Abuse, Stalking, Domestic Violence and Dating Violence. Failure to do so – whether as a party to a complaint, or as a witness – could result in disciplinary action.
 4. Evidence. All parties and witnesses to a complaint or investigation are required to preserve all evidence, including documents, photos, e-mails, texts, and Social Media posts. Withholding or destruction of evidence during an investigation may result in disciplinary action, up to and including termination of employment or expulsion from the University.
 5. Criminal Proceedings. Fisk reserves the right to stay investigations until criminal in relation to the complaint are resolved.
- D. Step 5 – Conclusions, Resolution of Complaints and Disciplinary Procedures. Once an investigation is concluded, Fisk will notify the accused and the accuser in writing of the outcome of the investigation, and whether disciplinary action will be imposed. Generally, Fisk applies a "preponderance of the evidence" standard for disciplinary action. The range of disciplinary action is as follows:

⁷ Dear Colleague Letter, Dept. of Educ. OCR, 4.5.13 at p. 5.

1. Students. Disciplinary action shall be pursued under the Judicial System provisions in the Student Handbook for student hearings and/or disciplinary action. The rights of the accuser and accused are outlined in the provisions for Non-Housing Hearings and Disciplinary Sanctions in the Student Handbook.
2. Faculty. Disciplinary action shall be pursued under the provisions contained in the Faculty Handbook for disciplinary proceedings and/or progressive discipline.
3. Staff. Disciplinary action shall be pursued under the provisions contained in the Employee Handbook for Progressive Discipline, Grievance Procedures and/or Termination of Employment.
4. Vendors and Contractors. Fisk's Department of Human Resources shall take corrective action against vendors or contractors as necessary and appropriate.
5. Senior Administration. Discipline shall be pursued under the provisions contained in the Faculty Handbook, or as otherwise prescribed by the Office of the President or General Counsel.
6. Visitors and Guests. Corrective action referred to the Office of Campus Safety, in collaboration with the Office of Student Engagement and Enrollment Management or the Department of Human Resources.

Fisk reserves the right to refer cases of Sexual Abuse, Stalking, Domestic Abuse or Dating Violence to law enforcement authorities at any time.

- E. Step 6 – Appeal. A student, faculty member or staffer who is disciplined for Sexual Abuse, Stalking, Domestic Violence or Dating Violence has the following appeal rights.
1. Students. Appeal rights for staff are outlined in Fisk University's "Student Appeal Policy and Procedures" in the Student Handbook.
 2. Faculty Members. Appeal rights for faculty are outlined in Fisk University's Faculty Handbook.
 3. Staff. Appeal rights for staff are outlined in the "Progressive Discipline and Grievance Procedures" in the Employee Handbook.

PREVENTION OF SEXUAL ABUSE, STALKING, DOMESTIC ABUSE AND DATING VIOLENCE

It is impossible to foresee each and every situation that can result in Sexual Abuse, Stalking, Domestic Abuse and Dating Violence. But Fisk urges the members of its community to take the following steps to reduce the risk of an attack.

1. If you feel uncomfortable traveling on campus by yourself, please contact the Office of Campus Safety for an escort.
2. Avoid working or studying in campus buildings alone at night.
3. Residents should lock their doors before going to sleep.
4. Do not “prop” open exterior doors, doors locked by access keys, or emergency doors, which can be invitations for attackers.
5. Comply with all Residence Hall rules. Do not allow strangers into any residence hall with you when the doors are locked. Do not allow access to residence halls or apartments to anyone you do not know.
6. Do not use windows, emergency exits or fire escapes to enter or exit campus buildings.
7. Contact the Office of Campus Safety if you see suspicious persons or activity in a campus building.
8. Do not hitchhike, pick up strangers while driving, or enter the car of anyone you do not know.
9. Lock your car doors and keep your car windows “rolled up “whenever possible. Check the back seat of your car before entering it, especially at night.
10. Use only your last name and initial of your first name on your dormitory door, mailbox, and campus directory.
11. Never dress in front of an window, draw your blinds and curtains after dark, and contact the Office of Campus Safety immediately if you notice a stranger loitering outside your door, window or building.
12. Never hide keys outside your room or apartment, or put your name and address on your keys.

13. Protect your computer and internet passwords and security information. Refrain from “friending” complete strangers on “Social Media” sites (Facebook, Instagram, etc.).
14. Communicate your sexual intentions and Consent – as well as the limits of your Consent – clearly and firmly. If you intend to initiate sexual activity, always follow the maxim “no” means “no.” When it comes to Consent, always presume that a “mixed message” means “no,” especially in encountering a new acquaintance or someone you just met.
15. Trust your instincts. Remove yourself from uncomfortable situations. When it comes to your safety, do not be concerned with being polite.

RESOURCES FOR VICTIMS OF SEXUAL ABUSE, STALKING, DOMESTIC VIOLENCE AND DATING VIOLENCE

Sexual Abuse, Stalking, Domestic Violence and Dating Violence can leave lasting and traumatic impact on victims. There are numerous resources on campus and throughout the region for those in need of care, protection, counseling or recovery.

A. RESOURCES AT FISK UNIVERSITY

Office of Student Engagement
Spence Hall, Suite 2
Phone: 615-329-8588

Office of Residential Life and Campus Services
Spence Hall
Phone: 615-329-6038

Office of Human Resources
Carnegie Hall
Phone: 615-329-8718

Counseling Center
Shane Hall Living Learning Center
(4th Floor/B Wing)
615-329-8861

Office Hours: 8am-5pm Monday-Friday
Counseling Hours: 9am-2pm Tues., Wed., Fri. and 11:00am-4pm Thurs.

B. CAMPUS SECURITY/LAW ENFORCEMENT

Office of Campus Safety
Fisk University | Carnegie Hall
1000 17th Avenue N.
Nashville, TN 37208
Phone: 615 -329-8777 (Dispatch Available 24 hours/day 7 days/week)

Metropolitan Nashville Police Department

Emergencies/Crimes: 9-1-1

Metropolitan Nashville Police Department
Domestic Violence Unit
811 Second Avenue South
Nashville, TN 37210
Phone: 615 -880-3000 8am-10pm
Phone: 615 -862-8600 after 10pm

C. ORDERS OF PROTECTION

Metropolitan Nashville and Davidson County, Tennessee

Civil Court Clerk's Office	615-862-5195
Circuit Court Clerk's Office	615-862-5181
Juvenile Court Clerk's Office	615-862-7980
Mary Parrish Center	615-256-5959

D. MEDICAL FACILITIES

Nashville General Hospital at Meharry
1818 Albion St.
Nashville, TN 37208

Phone: 615 -341-4000

Vanderbilt University Medical Center
1211 Medical Center Drive
Nashville, TN 37232
Phone: 615 -322-5000

Saint Thomas Midtown Hospital
2000 Church Street
Nashville, TN 37326
Phone: 615-284-5555

E. CRISIS/COUNSELING

Sexual Assault Center | Counseling and Education
101 French Landing Dr.
Nashville, TN 37228
Phone: 615-259-9055

Tennessee Coalition To End Domestic and Sexual Violence

Tennessee Statewide Hotline: 800-356-6767

National Hotline: 800-787-3224

YWCA Shelter and Domestic Violence Program
1608 Woodmont Blvd.
Nashville, TN 37215
Hotline-Crisis Line: 615 -242-1199 or 1-800-334-4628

AMENDMENTS

Like all Fisk University policies, this Policy does not create a contract between Fisk and the Fisk community. This Policy may be amended at any time, at the University's sole discretion. If Fisk amends or modifies this Policy, then it will provide notice of those changes in a timely manner, to the extent possible.

APPENDIX D - SOCIAL MEDIA AGREEMENT

I, the undersigned, acknowledge and agree to the following:

1. I have read the Social Media Policy for Fisk University (“Policy”) (defined in the Policy) and the Rules and Guidelines which outline permissible and impermissible use of “Social Media” and posting of “Content” (also defined in the Policy). Fisk University may, in its sole discretion, amend the Policy from time to time.
2. Fisk prohibits the posting of “Content” and use of “Social Media” which:
 - a. Violates the Policy;
 - b. Violates state or federal laws; or
 - c. Violates Fisk University’s institutional policies, including, but not limited to, the Employee Handbook, the Faculty Handbook or the Student Code of Conduct.
3. As a representative of Fisk University, I understand that my “Content” and “Social Media” activity may be subject to review. I understand that Fisk reserves the right to inspect its computers, devices, servers, or other property used by its employees to post “Content,” browse “Social Media” or any other personal use, at any time, and without notice to employees.
4. If my “Content” on an official Fisk Social Media site, Fisk e-mail address, or other Social Media platform violates the Policy, state or federal law, or other Fisk policies, I may be subject to disciplinary action up to and including dismissal from the University or termination of employment.

SIGNATURE

DATE

PRINTED NAME

TITLE/POSITION

APPENDIX E - Fisk University Acceptable User Policy (AUP)

I. Purpose

The Fisk University's Appropriate Use Policy (AUP) sets forth the standards by which a student, faculty, staff and authorized guest ("Users") may use their assigned computer systems and peripheral accessories, computer accounts, email services and the shared Fisk University network. The use of Fisk University's computer and network resources including all electronic communication systems and equipment (all collectively referred to as the "Fisk University technology infrastructure") is a revocable privilege. By using or accessing the Fisk University technology infrastructure, "Users" agree to comply with this policy. Using and/or accessing the Fisk University technology infrastructure without proper authorization is strictly prohibited.

II. Responsibilities

"Users" are responsible for being aware of any changes to this policy. The Fisk University technology infrastructure is provided to support Fisk University's university business and its mission of teaching, research and service. Any other uses that jeopardize the integrity of the Fisk University technology infrastructure, the privacy or safety of other "Users", or that are otherwise illegal are prohibited.

General guidelines for appropriate use of the Fisk University technology infrastructure are based on the following principles:

- a) Users shall behave responsibly with respect to the Fisk University's technology infrastructure at all times.
- b) Users shall respect the integrity and the security of the Fisk University's technology infrastructure.
- c) Users shall behave in a manner consistent with Fisk University's mission and to comply with all applicable laws, regulations, and Fisk University policies.
- d) Users shall be considerate of the needs of other Users by making every reasonable effort not to impede the ability of others to use the Fisk University technology infrastructure and to show restraint in the consumption of shared resources.
- e) Users shall respect Fisk University's principles regarding freedom of thought, inquiry and expression.
- f) Users shall respect the rights and property of others, including intellectual property rights.
- g) Conduct which violates this policy includes, but is not limited to:
- h) Accessing another person's or department's computer, computer account, files or data without permission or authorization.
- i) Using the Fisk University campus network to gain unauthorized access to any computer system.

- j) Using any means to decode or otherwise obtain restricted passwords or access control information.
- k) Allowing external parties access to the Fisk University technology infrastructure or agreeing to such (as defined in some peer-to-peer software licenses) unless for official university business which requires authorized appropriate documentation and adherence to federal, state and university laws, policies and guidelines.
- l) Installing server software or modifying system configuration on any university system without the expressed authorization.
- m) Engaging in any activity that might be purposefully harmful to systems or to any information stored thereon, such as creating or propagating viruses, disrupting services, damaging files or making unauthorized modifications to university data.
- n) Performing any act, intentionally or otherwise, that will interfere with the normal operation of computers, peripherals or networks.
- o) Making or using illegal copies of copyrighted software, storing such copies on Fisk University systems, or transmitting them over university networks.
- p) Using Fisk University's technology infrastructure for the sharing or downloading of copyrighted materials in violation of applicable copyright laws or local, state or federal regulations.
- q) Harassing or intimidating others or creating a hostile work or educational environment via transmission or display of electronic mail, news groups or Web pages, including information or images obtained from such sources.
- r) Initiating or propagating electronic chain letters.
- s) Forging the identity of a user or machine in an electronic communication ("spoofing").
- t) Saturating Fisk University's network or computer resources to the exclusion of another's use, for example, overloading the network with traffic such as emails, file sharing or malicious (denial of service attack) activities.
- u) Using email or network resources to solicit the Fisk University community for political or personal gain, including without limitation solicitation for the purpose of selling items.
- v) Engaging in any other activity that does not comply with the general principles presented above.

III. Monitoring the Fisk University technology infrastructure

Fisk University expressly reserves the right to impose any restraints or monitor the content of communications, data or other information on the Fisk University technology infrastructure:

- a) When required to do so by applicable federal, state or local laws, including without limitation laws that prohibit publication of defamatory material, laws requiring the disclosure of public records upon request, and laws prohibiting the misuse of state property for private gain; or

- b) To maintain the security and integrity of the Fisk University technology infrastructure.

The university respects the privacy of Users. It does not routinely inspect or monitor the contents of electronic information, nor is the university responsible for its contents. The university electronic resources may, subject to this policy, be used for incidental personal purposes, provided such use does not interfere with normal university operations, burden the university with incremental costs, violate laws, policies, or regulations or interfere with the user's employment or other obligations to the university. However, when there is reasonable suspicion, and with the approval of the President or his/her delegate, reserves the right:

- a) To investigate any alleged AUP or other Fisk University or policy infractions; or
- b) To assist in any university or law enforcement investigations seeking evidence regarding alleged violation of any federal, state or local law or regulation.

Users have no Constitutional expectation of privacy in any information on the Fisk University technology infrastructure. To the extent allowed by law in the absence of any expectation of privacy, which absence is established with this policy, Fisk University reserves the right to make any communications, data or information regarding, transmitted through, or stored on any Fisk University system or network available to law enforcement officials without a search warrant and without prior notice to any user.

Users should use extreme caution in communicating, transmitting, or storing sensitive or private information on any Fisk University equipment, including Fisk University's technology infrastructure. Although Fisk University will comply with all legal obligations regarding confidentiality of certain statutorily identified records (especially students' educational records and confidential personnel records), Users should not assume that information or data transmitted or stored on Fisk University's technology infrastructure is confidential or protected from disclosure to designated Fisk University employees or law enforcement. Fisk University cannot guarantee the confidentiality or integrity of any user's continuing access to any information or data stored or transmitted on Fisk University's technology infrastructure because of the possibility, despite Fisk University's best efforts, of unauthorized access by third parties ("hackers"), failure of equipment ("system crashes") or some other event. Users are reminded that Fisk University may be required to disclose any information transmitted or stored on the Fisk University technology infrastructure that is determined to be a public record and not otherwise exempt from disclosure under applicable law. While every effort is made to insure confidentiality and integrity, Users are still responsible for maintaining the secrecy of their personal access and authentication information (passwords, etc.) and for transmitting information (email, files, etc.) to the proper address.

IV. Responding to security and abuse incidents

All Users have the responsibility to report any discovered unauthorized access attempts or other improper usage of Fisk University computers, networks, or other information processing equipment. If a security or abuse problem with any university computer or network facility is observed by or reported to a user, such user shall immediately report the same to The Department of Information Technology Services.

V. Range of disciplinary sanctions

Persons in violation of this policy are subject to a full range of sanctions, including, but not limited to, the loss of computer or network access privileges, disciplinary action, and dismissal from Fisk University. Any sanctions against employees will be imposed through procedures consistent with any applicable state regulations. Some violations may constitute criminal or civil offenses, as defined by local, state and federal laws and the university may prosecute any such violations to the full extent of the law.

Fisk University may suspend computer or network access privileges immediately and without prior notice to a user if necessary to preserve the safety or integrity of Fisk University's Network or to prevent or investigate violation of applicable federal, state or local law or Fisk University policy. The user and the user's supervisor must be sent written or electronic notice of any such intentional suspension of access and the reasons for it, and notice of the time, date and location for a meeting at which continued suspension of access may be discussed with the CIO or his/her designee, who must reconsider his or her suspension decision in light of the information received in the meeting. Following the meeting, the CIO or his/her designee shall send a copy of his or her decision upon reconsideration to the user and the user's supervisor. This correspondence should also advise the user that he or she may appeal the decision to the Vice President for Information Technology Services.

VI. Additional policies

In the event that this policy conflicts with other Fisk University policy, or federal or state legislation, the most restrictive policy or legislation shall apply.