Except where the duty to bargain a specific provision has been negotiated governing the employment relationship, all employees of the College shall be governed by state and federal law, and by the policies of the Board and the administrative procedures, rules, and practices thereunder.

The College shall negotiate with an employee organization certified by the Public Employment Relations Board as the exclusive bargaining representative of a bargaining unit.

The College may meet and confer with other employees.

Adopted: November 20, 1984
Revised: January 10, 2000
It is the policy of the College to provide equal employment opportunity to all employees and applicants for employment in accordance with applicable local, state and federal laws and regulations. The College shall not engage in nor allow discrimination which is prohibited by law against any person, group or organization, including harassment, based on race, color, national origin, creed, religion, sex (including pregnancy), sexual orientation, gender identity, age, disability, genetic information, and actual or potential parental, family or marital status of a person. Veteran status in educational programs, activities, employment practices, or admission procedures is also included to the extent covered by law.

When members of a racial/ethnic minority group, women, men, or persons with disabilities are underrepresented in the College workforce, the College shall take affirmative action measures related to recruitment, appointment, assignment, and advancement in accordance with applicable law.

Employees or applicants who believe they have been discriminated against may file a complaint through the College Discrimination Complaint Procedure or with applicable state and/or federal agencies. Complaint forms may be obtained from the Campus Provost's office, the Academic Deans' office, the Judicial Officer, or the EEO/AA Officer, Human Resources. Subjecting a person to coercion or retaliation for filing a complaint or providing information regarding a complaint is prohibited. The College Affirmative Action Officer is the Executive Director, Human Resources. ADA questions and concerns may be directed to the Section 504/ADA Coordinator at 2006 S. Ankeny Blvd, Bldg 6, Ankeny, IA 50023, phone 515/964-6857, sgbitnner@dmacc.edu. Title IX questions and concerns may be directed to the Title IX Coordinator at 2006 S. Ankeny Blvd, Bldg 1, Ankeny, IA 50023, phone 515/964-6574, dkmckitttrick@dmacc.edu. Questions or complaints about this policy may be directed to the Director of the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison, Suite 1475, Chicago, IL 60661, phone 312/730-1560, tax 312/730-1576.

This policy shall apply to all employment and personnel procedures and practices. Employees found in violation of the policy shall be subject to disciplinary action.

Adopted: November 20, 1984
Revised: June 30, 1990
February 1994
January 10, 2000
August 12, 2002
October 10, 2011
March 13, 2017
Harassment

Illegal harassment is a form of discrimination and is defined as verbal or physical conduct or graphic display which is offensive or shows malice toward any person, group or organization because of race, color, national origin, creed, religion, sex (including pregnancy), sexual orientation, gender identity, age, disability, genetic information, actual or potential parental, family or marital status of a person, or, to the extent covered by law, veteran status. Examples of prohibited behavior include:

1. Abuse that diminishes the dignity of a person, group or organization through insulting or degrading remarks or conduct such as racial or ethnic slurs, written or graphic material which shows malice or ridicule toward an individual or group, jokes which are demeaning to a racial or religious group or to a particular nationality or to one's sex, etc.;

2. Threats, demands or suggestions that an employee’s work status, a student’s academic progress, or an applicant’s employment opportunity is contingent upon his/her toleration of or acquiescence to harassment.

The College shall not tolerate the harassment of its employees, students, and applicants for employment by supervisors, instructors, students, colleagues or business associates. Individuals who believe they have been illegally harassed may file a complaint through the College Discrimination Complaint Procedure or with the appropriate state and/or federal agencies. Subjecting a person to coercion or retaliation for filing a complaint or providing information regarding a complaint is prohibited.

Sexual Harassment

Harassment based upon an individual's sex is sexual harassment. It includes, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of status as an employee, a student or an applicant for employment;

2. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individual's work status, academic progress or employment opportunities; or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work status, academic progress or employment opportunities or creating an intimidating, hostile, or offensive working or academic environment.

Employees in positions of authority need to be sensitive to the potential for conflicts of interest in personal relationships with students and subordinate employees. When significant disparities in age or authority are present between two individuals, questions about professional responsibility and the mutuality of consent to a personal relationship may well arise. The relationship between staff and students is central to the mission of the College and the College views amorous relations between staff and students as inappropriate. For further information on the College policy on these relationships, see Board Policy on Consensual Relationships. Title IX questions and concerns may be directed to the Title IX Coordinator at 2006 S. Ankeny Blvd, Bldg 1, Ankeny, IA 50023, phone 515/964-6574, dkmckittrick@dmacc.edu.

Adopted: November 20, 1984
Revised: June 13, 1990
January 10, 2000
August 11, 2003
October 10, 2011
March 13, 2017
The appearance of a conflict of interest, coercion, favoritism, or bias in an academic, counseling, evaluative, or supervisory situation is contrary to the interests of the College, its members, and the public interest which it serves. Personal nonprofessional relations between faculty or staff and students with whom they also have a counseling, academic, evaluative, or supervisory role create such an appearance, even where the relationship is genuinely consensual. Such relationships are particularly susceptible to exploitation. The respect and trust accorded an employee by a student, as well as the power exercised by the employee in an academic, counseling, evaluative or supervisory role, make voluntary consent by the student suspect. Even when both parties consent, the development of such a relationship renders both the employee and the institution vulnerable to potential allegations of sexual harassment in light of the significant power differential that exists between employees and students.

Therefore, faculty and staff are advised against participating in consensual relationships with students enrolled in their classes or with students whom they otherwise evaluate, grade, counsel, or supervise. Similarly, employees should avoid situations requiring them to evaluate, grade, counsel, or supervise students with whom they currently have a consensual relationship. Whenever such a situation arises, employees shall report the situation immediately to the appropriate supervisor. The supervisor shall take effective steps to ensure unbiased supervision or evaluation of the student.

(For purposes of this policy, “faculty” shall include all Regular or Adjunct College employees who teach or counsel students and “staff” shall include all Regular or Temporary employees of the College who supervise or give work direction to student workers or work study students.)

Adopted: June 12, 1995
Revised: January 10, 2000
August 8, 2005
October 10, 2011
Upon the recommendation of the President, the Board shall employ all Regular employees having continuing contracts. The Board delegates to the President or his/her designee the authority to employ all other College employees.

Subsequent employment actions, including promotion, demotion, transfer, reassignment, job evaluation changes and/or FTE changes, may affect an employee’s job title and/or pay. Upon recommendation of the President, the Board shall approve all subsequent employment actions which affect the contracted salary of Regular employees having continuing contracts. The Board delegates to the President or designee the authority to approve all other subsequent employment actions.

Adopted: November 20, 1984
Revised: January 10, 2000
Employees of the College shall not directly or indirectly supervise or participate in personnel actions involving relatives.

Relatives for this policy are defined as spouse, siblings, children, parents, grandparents, great-grandparents, grandchildren, great-grandchildren, aunts/uncles, nephews/nieces, or comparable in-laws or step relationships.

Adopted: November 20, 1984
Revised: January 10, 2000
October 10, 2011
A screening committee may be utilized to assist in the hiring of staff. The decision to use a screening committee, and the composition of that committee, shall be at the discretion of the supervisor or his/her supervisor(s).

All actions and deliberations of any screening committee shall be in compliance with Board Policy on Equal Employment Opportunity/Affirmative Action.

The purpose of a screening committee shall be to assist the supervisor in identifying applicants from the applicant pool who most closely meet the needs of the position and provide opportunities for meeting Affirmative Action goals. The role of the committee shall be advisory. A committee shall recommend a group of candidates to the supervisor but shall not indicate a ranking preference. The supervisor shall consider the screening committee’s recommendations but he/she shall not be obligated by or limited to them and the final hiring recommendation shall be the responsibility of the supervisor.

Adopted: November 14, 1990
Revised: January 10, 2000
The College may reimburse interviewing expenses, including travel, lodging and meals, incurred by candidates for administrative or managerial positions. In special circumstances, where there is a public purpose as determined by the President, expenses incurred by the candidate’s spouse may also be reimbursed. Reimbursement of interviewing expenses for other positions shall be at the discretion of the President or designee.

The College may also reimburse moving expenses incurred by new employees hired for administrative or managerial positions. Reimbursement of moving expenses for other positions shall be at the discretion of the President.

Adopted: July 17, 1986
Revised: July 19, 1988
January 10, 2000
October 10, 2011
The President shall maintain a classification system for all employees commensurate with their duties and functions. The system shall be designed to facilitate and differentiate the administration of personnel policies and procedures for Regular employees in such areas as employment, leaves, benefits, complaints, discipline, and termination.

Adopted: November 20, 1994
Revised: January 10, 2000
The President shall maintain a wage and salary system for all employees. The system shall include, but shall not be limited to, pay schedules, temporary pay rates, and rules and regulations governing employee pay. Pay schedule rates and temporary pay rates shall be recommended by the President to the Board and shall be subject to annual review and modification. The President or designee may amend temporary pay rates during the year as needed.

Adopted: November 20, 1984
Revised: January 10, 2000
Continuing contracts and employment agreements shall be issued for a fiscal year, or other specified time periods, to Regular faculty and administrative/professional employees. Contracts and employment agreements shall be in writing and shall state the length of time the contract/employment agreement is in force and the compensation.

Continuing contracts are issued to faculty and administrators as required by statute.

Individual contracts and employment agreements shall be subject to the policies of the Board.

Adopted: November 20, 1984
Revised: January 10, 2000
August 8, 2005
October 10, 2011
As required by Iowa Code Chapter 260C, all Regular faculty shall follow the requirements for orientation and continuing professional development set forth in the Quality Faculty Plan.

Regular employees occupying positions requiring administrative or teaching licensure by statute or by administrative rule must be able to meet all licensure requirements of the Board of Educational Examiners.

Failure to comply with this policy may result in termination.

Adopted: November 20, 1984
Revised: January 10, 2000
August 8, 2005
A medical examination may be required by the College of applicants for employment and of current employees to ensure that they 1) are able to perform assigned job duties, with or without reasonable accommodation, 2) pose no direct threat to the health and safety of themselves or others, or 3) are able to meet prescribed governmental health standards.

A medical examination may not be required of an applicant prior to a conditional offer of employment. If a medical examination is to be required following a conditional offer of employment, it must be required of all entering employees in the same job category.

Medical examination information is confidential information.

Adopted: December 16, 1992
Revised: January 10, 2000
August 8, 2005
October 10, 2011
A satisfactory motor vehicle driving record is required for all employees, applicants recommended for employment, security personnel, and others required to operate College vehicles on a regular basis.

Criteria for a "satisfactory motor vehicle driving record" shall be developed and published to assure that all such employees are insurable within standards acceptable to the College’s insurer. Said criteria shall give weight to frequency and severity of driving violations as documented on the basis of records maintained by the Iowa Department of Transportation.

Adopted: November 20, 1984
Revised: January 10, 1994
January 10, 2000
Employees who operate College vehicles are subject to drug and alcohol testing if a commercial driver’s license is required to operate the College vehicle and the College vehicle has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross weight rating of more than 10,000 pounds; has a gross vehicle weight rating of 26,001 or more pounds; is designed to transport 16 or more passengers, including the driver; or is transporting hazardous materials as defined by law. For purposes of drug and alcohol testing, the term “employees” includes applicants who have been offered a position to operate a College vehicle.

The employees operating a College vehicle as described above are subject to pre-employment drug testing and random, reasonable suspicion, post-accident, return-to-duty and follow-up drug and alcohol testing. Employees operating College vehicles shall not perform a safety-sensitive function within four hours of using alcohol, or while having an alcohol concentration of .04 or greater, or when using a controlled substance. Employees governed by this policy shall be subject to the drug and alcohol testing program beginning the first day they operate or are offered a position to operate College vehicles and continue to be subject to the drug and alcohol testing program as long as they may be required to perform a safety-sensitive function as it is defined in the administrative regulations.

Employees who violate the terms of this policy are prohibited from performing safety sensitive duties and may be subject to discipline up to and including termination. Employees who violate this policy may be required to successfully participate in a substance abuse evaluation and, if recommended, a substance abuse treatment program. Employees required to participate in and who fail to or refuse to successfully participate in a substance abuse evaluation or recommended substance abuse treatment program may be subject to discipline up to and including termination. A second violation of this policy shall result in termination.

It is the responsibility of the President or designee to develop administrative regulations to implement this policy. The President or designee shall also inform applicants of the requirement for drug and alcohol testing in notices or advertisements for employment and personally at the first interview with the applicant.

The President or designee shall also be responsible for publication and dissemination of this policy and its supporting administrative regulations to employees operating College vehicles. The President or designee shall also oversee a substance-free awareness program to educate employees about the dangers of substance abuse and notify them of available substance abuse treatment resources and programs.

Adopted: December 11, 1995
Revised: January 10, 2000
October 10, 2011
The President shall establish the normal working hours for College employees. Supervisors may authorize exceptions to these hours to better meet operational needs. Exceptions may also be authorized to meet individual needs as long as the resulting schedule is compatible with the needs of the College.

Faculty may be assigned a schedule between the hours of 7:00 a.m. and 10:00 p.m. Instructors shall keep office hours posted and shall be available for students whose schedules allow use of the posted hours.

Adopted: November 20, 1984
Revised: January 10, 2000
A duty day is defined as any working day during which employees are required by assignment, contract, or employment agreement to perform job duties and responsibilities. Employees are expected to be at their assigned work stations for each duty day unless the employer has approved leave, travel, or other College activities away from the work station.

In the event of unusual circumstances which temporarily halt College operations, it may be necessary to schedule make-up days for the students' educational benefit. In no case, however, will the total number of duty days or term of an individual contract or employment agreement be violated.

A calendar depicting duty days shall be approved annually by the Board.

Adopted: November 20, 1984
Revised: January 10, 2000
The Board of Directors shall approve the performance evaluation system to be used for Regular employees. Supervisors shall formally evaluate, in writing, each Regular employee’s performance as determined by the President or collective bargaining agreements. Evaluations shall be maintained in the personnel file of each employee.

Adopted: November 20, 1984
Revised: January 10, 2000
It is the policy of Des Moines Area Community College (DMACC) that all persons who provide instruction to students attending DMACC credit classes exhibit competence in oral communication. In the context of this policy, oral communication competence is understood to be the ability to communicate appropriately in the language of instruction to students attending DMACC.

This policy is intended to apply to all instructors employed by DMACC whose primary assignment is classroom/laboratory teaching of credit classes during the relevant academic year. In the context of this policy, instructors are defined as those persons with teaching assignments on a Regular or Adjunct basis.

Each instructor shall be evaluated for oral communication competency by the end of each academic year in which he or she has sufficient direct contact with students to render such evaluation meaningful. This policy does not mandate evaluation for persons whose teaching responsibilities do not involve sufficient direct oral communication with students to provide a basis for meaningful evaluation of oral communication competence. The nature and scope of the evaluation of oral communication competence may vary with the discipline, instructional setting, and material being communicated. In all cases, however, the evaluation procedure shall incorporate a mechanism for evaluation by students at the end of each academic year.

Adopted: June 12, 1991
Revised: January 10, 2000
All new Regular employees shall be required to serve a probationary period during which intensive evaluative attention is focused and personnel decisions are made regarding retention or dismissal.

The length of the probationary period shall be as follows:

1. Support Staff and Confidential Clerical employees - 180 calendar days;
2. Administrative/Professional employees with Employment Agreements - one year;
3. Administrative/Professional employees with Continuing Contracts - two years with a third year extension, if mutually agreed to by the supervisor and the employee;
4. Faculty employees with Continuing Contracts - three years and may be extended for a fourth year by mutual agreement. Employees who have successfully completed a prior probationary period with another Iowa community college shall be required to serve only a one year probationary period.

Adopted: November 20, 1984
Revised: January 10, 2000
Regular employees shall be assigned on the basis of their relative competence and the needs of the College. In considering reassignment, the College shall consider the expressed desire of the employee. When employees have comparable qualifications, the employee with the most continuous service to the College may be given a preference.
Personnel files for Regular employees shall be kept and maintained permanently by the Human Resources department.

Personnel files shall be confidential, to the extent permitted by law, with access limited to the employee, Human Resources department employees, Board Secretary, current supervisors, and other College administrators on a need-to-know basis. Requests by other persons or agencies for information, other than public information, shall not be honored unless the employee has signed a release. Exceptions shall be limited to duly authorized requests in accordance with the law.

Employee health/medical information shall be maintained in a separate confidential file as required by all applicable state and federal laws.

An employee may place a written rebuttal to any file item for inclusion in his/her personnel file.

Adopted: November 20, 1984
Revised: January 10, 2000
August 8, 2005
October 10, 2011
A Regular employee may not engage in any secondary employment that will present a real or perceived competition and/or conflict with his/her College employment or with the interests of the College. Regular College employees shall not engage in secondary employment which interferes with their ability to perform College employment responsibilities. Secondary employment during the employee’s duty hours is specifically prohibited.

Employees who represent the College for speaking engagements may not accept personal remuneration, though honorariums may be accepted as outlined in Board Policy 2008. Travel expenses incurred shall be covered by the College travel allowance policy.

Administrative/professional and faculty employees shall not render tutorial services for pay to students enrolled in the College.

Adopted: November 20, 1984
Revised: January 10, 2000
August 8, 2005
October 10, 2011
College resources shall be used exclusively for activities consistent with the College's mission and service to the community, and employees and students are specifically prohibited from using College facilities, equipment, vehicles, tools, energy, or any other assets or services for personal use unless authorized in accordance with approved administrative procedures.

Adopted: June 17, 1986
Revised: January 10, 2000
The College shall encourage political awareness and political education programs for employees, but no employee or external party may use College facilities, equipment, supplies or other resources for partisan purposes.

Adopted: November 20, 1984
Revised: January 10, 2000
Regular employees shall be eligible for leave without pay, as defined below:

1. **LEAVE WITHOUT PAY**
   
The President or designee may grant a Leave Without Pay for personal reasons, including but not limited to illness or injury, to a Regular employee. The leave may not exceed 12 months.

2. **FAMILY AND MEDICAL LEAVE WITHOUT PAY**
   
The President or designee may grant Family and Medical Leave, which may be with or without pay, to a Regular employee who has been employed by the College for at least one year and who has worked at least 1250 hours over the previous 12 months. See Board Policy 3027, Family and Medical Leave.

3. **LTD LEAVE WITHOUT PAY**
   
The President or designee may grant LTD Leave Without Pay to a Regular employee who has completed the qualifying period and has been approved for Long Term Disability insurance but who has a reasonable expectation of returning to work. The leave may not exceed 12 months.

Employee return rights shall be in accordance with College procedures and/or collective bargaining provisions.

Adopted: November 20, 1984
Revised: January 10, 2000
Regular employees, except as noted below, shall receive the following leaves with pay at rates approved by the Board in accordance with College procedures:

- Sick Leave
- Personal Business Leave
- Bereavement Leave
- Vacation Leave
- Holiday Leave
- Professional Leave

Exceptions: Teaching faculty, except for 12+ faculty, shall not receive Vacation or Holiday Leave. Support staff, IES administrative support, and confidential clerical employees shall not receive Professional Leave.

In addition, Regular employees may be granted the following paid time off in accordance with College procedures:

- Administrative Leave
- Court and Jury Leave
- Military Leave
- Conference & Meeting Leave

Adopted: November 20, 1984
Revised: January 10, 2000
August 8, 2005
January 4, 2010
March 8, 2010
All Regular employees of the College who have worked for the College for one year and who have worked at least 1250 hours over the previous 12 months shall be granted up to a maximum of twelve workweeks per twelve-month period of unpaid, job-protected leave for their or a covered family member’s serious health condition, or the birth, adoption, or foster care placement of a child, or a qualifying exigency arising out of the fact that the employee’s covered family member is on or has been called to active duty in support of a contingency operation. Employees shall be required to substitute any applicable accrued paid leave for the unpaid FMLA leave, and the leaves shall run concurrently. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember who is recovering from a serious illness or injury sustained in the line of duty on active duty shall be granted up to 26 weeks of leave in a single 12-month period to care for the servicemember. This Military Caregiver Leave is available during “a single 12-month period” during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

Adopted: September 20, 1993
Revised: January 10, 2000
August 8, 2005
December 18, 2009
October 10, 2011
The College expects employees to maintain a regular, reliable, and punctual level of attendance. Unscheduled absences shall be reported by the employee to his/her supervisor on the first day of absence when possible. The employee shall keep the supervisor advised as to possible return to work and shall also notify the supervisor upon return from an absence.

Supervisors are responsible for verifying and certifying the days of service, days of absence, and approved leaves for each employee under their supervision.

Adopted: November 20, 1984
Revised: January 10, 2000
The College may pay tuition (and applicable service, activity, and instruction related fees) for Regular employees and Credit Adjunct instructors who satisfactorily complete Des Moines Area Community College credit and non-credit courses and/or seminars/workshops under conditions established in College procedures.

Adopted: October 14, 1985
Revised: January 10, 2000
August 8, 2005
October 10, 2011
The Board shall pay full or partial premiums for group insurances and/or coverages for Regular employees working at least one-half time for a minimum of 9 months per year as provided in College procedures. These may include, but are not limited to, medical and dental coverages, insured coverages for accidental death and dismemberment, and term life insurance. Employees must work at least thirty hours per week for a minimum of 9 months per year as provided in College procedures to be eligible for long-term disability insurance. Additional and supplemental insurances and/or coverages may be available at the employee’s expense.

Adopted: November 20, 1984
Revised: January 11, 1989
March 7, 1989
January 10, 2000
The President shall establish a formal complaint procedure which ensures that complaints by employees shall be heard by the appropriate administrators. The objective shall be to resolve complaints at the lowest level possible.

If complaints are filed in another forum, they shall not be processed through the institutional Formal Complaint Procedure. Complaints which are covered by a collective bargaining agreement or are mandatory subjects of bargaining, or those filed through the Discrimination Complaint Procedure, shall not be filed through the Formal Complaint Procedure.
Employees may be disciplined for failure to meet acceptable standards of conduct or performance. Discipline shall be imposed in accordance with disciplinary procedures established by the President. Disciplinary actions may include, but are not limited to, the following:

- Oral Reprimand
- Written Reprimand
- Suspension With or Without Pay
- Discharge

The Board hereby grants the President or designee the authority to administer discipline unless the action involves the suspension or discharge of an employee with a continuing contract. In this instance:

1. The President may suspend with or without pay.
2. The President may recommend termination of employment.
Resignations from Regular employees shall be submitted in writing, signed by the employee, and directed to the employee’s immediate supervisor or to the Board secretary in the case of Regular employees with continuing contracts. Recommended action on the resignation of Regular employees with continuing contracts shall be presented to the Board by the President. The Board delegates to the President or designee the authority to accept and act upon the resignations of all other employees.
The Board may establish a voluntary early retirement plan for all Regular employees of the College.

It shall be the President’s responsibility to demonstrate that a funded early retirement plan will not impair the quality of academic programs or services.

The plan may be revised or eliminated at any time by the Board of Directors.

Adopted: November 30, 1984
Revised: January 8, 1992
January 10, 2000
The President is authorized to conduct a reduction in force unless the action involves the reduction of an employee covered by a continuing contract. In this instance, the reduction shall be recommended by the President to the Board.
Dependent children of Regular employees of Des Moines Area Community College may qualify for tuition remission for DMACC courses in accordance with the operating procedures of the institution.

Adopted: March 10, 2003
Revised: October 10, 2011
To protect the welfare and safety of students and employees and the institutional resources of the College, criminal history record investigations shall be conducted on all Regular, Adjunct, Temporary, and Student applicants recommended for employment.

Adopted: August 8, 2005
Reviewed: 2011
Revised: January 4, 2010
March 8, 2010
In compliance with Iowa law, Des Moines Area Community College (DMACC) shall establish procedures requiring reporting of suspected child abuse to DMACC administration, law enforcement and the Iowa Department of Human Services.

DMACC administration shall cooperate with law enforcement to investigate reports of suspected child abuse.

The Human Resources Department shall monitor completion of Mandatory Reporter child abuse training as required by Iowa law.

Child is defined as any person under the age of 18 years.

Adopted: October 8, 2012

Reviewed:

Revised: