

MEETING MINUTES

Monday, October 15, 2018

Call to Order: 9:03 a.m.

In Attendance: Ahtxziry Vasquez, Amy Willia\ms, Anne Flesher, Brandy Scarnati, Cate Edlebeck, Cynthia Olivo, Dave Roberts, Elena Bubnova, Estela Gutierrez, Helen Scott, Jim New, Dr. Joan Steinman, John Fitzsimmons, Dr. Julia Hammett, Dr. Julie Ellsworth, Dr. Karin Hilgersom, Dr. Kyle Dalpe, Dr. Marie Murgolo, Dr. Melissa Deadmond, Mike Holmes, Paul Seybold, Randal Hudson, Rachel Holderread, Roni Fox, Sharon Wurm, Dr. Tina Ruff, YeVonne Allen, Dr. Ayodele Akinola, Spencer Schultz

TMCC Bylaws, Policies and Procedures

- **Policy: Classified Letter of Appointment, Second Reading**

A second reading of the Classified Letter of Appointment policy was presented. The Council held discussion on changes proposed by the Classified Council as well as potential impact to departments. Classified Council leadership will send updates to Human Resources Director, Roni Fox. The policy will return for possible vote at the November Planning Council Meeting.

- **Policy: Administrative Faculty Letter of Appointment**

A second reading of the Administrative Faculty Letter of Appointment was not held. Updates from the last Faculty Senate meeting (held the Friday before Planning Council) have not yet been received. A second reading and possible vote will take place at the November Planning Council Meeting.

- **Policy: Background Check for New Hires, First Reading**

Roni Fox introduced the Background Check for New Hires Policy to the Council for a first reading. Campus leaders will take back to their respective constituency groups and report any feedback to Roni. A second reading and possible vote will take place at the November Planning Council Meeting.

Planning Council Committee Updates

- **Academic and Student Services Committee**

No report at this time.

- **Accreditation Committee**

Dr. Melissa Deadmond, Associate Dean of Assessment and Planning reported that the committee will be meeting this week and will be looking at charges. Also, the Northwest Commission on Colleges and Universities (NWCCU) evaluation teams will be on campus next week for a mid-cycle report.

- **Budget Committee**

Jim New, Vice President of Finance and Administration, reported that the committee will meet before the end of October to consider ongoing budget requests.

- **Diversity Committee**

YeVonne Allen, Program Manager of Equity and Inclusion, provided information on the following events/programs:

- Poverty Simulation: November 9, 12:00 p.m. to 3:30 p.m., Student Center
- The DISCO will celebrate its 1 year anniversary.

- Faculty of Color is collaborating with the Veteran's Resource Center for a Salute To Veterans of Color.
- Safe Zone Part II workshops are scheduled and you can sign up through the Professional Development website.
- The gender neutral restroom initiative is being worked on.
- The ADA Committee is now under the Diversity Committee.
- **Enrollment Management Committee**
Elena Bubnova, Associate Vice President of Research, Marketing and Web Services, along with Dr. Julie Ellsworth, Dean of Sciences Division provided committee updates to the Council. At this time they are looking at the Course Completion Dashboard and will be working with the Vice President of Academic Affairs on rollout of this tool. Institutional Research is putting data together so we can better schedule Summer school offerings. Cheryl Scott, Director of Institutional Research, will attend the next Chairs meeting for training on the current dashboard.
- **Facilities Committee**
Dave Roberts, Executive Director of Facilities Operations and Capital Planning, provided the following project updates to the Council:
 - The Learning Commons has 4-5 weeks of construction remaining.
 - The CNA program has moved to Meadowood North.
 - The Sports and Health Complex groundbreaking will take place November 27.
 - Negotiations are currently taking place with architects for EATS.
- **Technology Committee**
No report at this time.
- **Student Government Association**
SGA President Ahtziriy Vasquez, SGA Senator Rachel Holderread and SGA Officer Randall Hudson reported to the Council that the SGA is currently working on sustainability and outreach projects. Cultural activities will be coming in the future with details to come.

New Business/Future Agenda Items

- Student Services Annual Report
- Student Services HACU presentation
- Academic Affairs Strategic Plan
- Finance and Administration Strategic Plan
- Site Visit Reports
- Classified and Administrative Faculty Letter of Appointment Policies

Meeting Adjourned: 10:11 a.m.

DRAFT - Classified Letter of Appointment Policy

Recommended changes Recommended changes for Faculty Senate 10/05/18

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Procedure: Classified Letter of Appointment Policy

Policy: This policy sets forth the method by which classified employees (.50 FTE and above) at TMCC may assume LOA assignments. These assignments are *not part of the written position description and are outside the normal duties*. Any assignment must be in accordance with NSHE Board of Regents Handbook provisions and TMCC Bylaws.

- **Definition: A normal workday is an consecutive 8-hour day with a one-hour lunch and two breaks. The normal workweek is presumed Monday through Friday. If your schedule differs from this, you must have an approved form TS-78 on file with Human Resources.**

• **Section 1: Teaching Classes or Accepting Assignments-**

- A. TMCC classified employees may assume LOA assignments at TMCC or at other NSHE institutions (for example teaching classes) that fall outside of their regular work assignments. ~~However, the College must address the impact on their department and written approval must be obtained from the supervisor and Vice President.~~
- B. If the assignment is outside the hours of the college's employee's normal workday, the employee ~~may shall~~ be compensated at the standard rate appropriate for the assignment, ~~and only with their supervisor's approval.~~
- C. The employee will perform all LOA duties (preparing, meeting with students, grading, etc.) outside of the employee's normal workday. This includes all duties and tasks associated with Web classes.
- D. If the assignment is during the college's employee's normal workday the employee may:
 - a. With approval of the supervisor, the employee may take annual leave for time spent during the normal working day for the additional assignment. Compensation will be at the standard part-time faculty or applicable rate. A schedule will be turned into HR/Payroll indicating the proposed plan. A classified employee may not take an additional assignment during the normal workday without using annual leave. In an emergency situation, a variable workday may be requested and must be approved by the Vice President using the form TS-78 Request for Variable Workday Schedule.
 - b. ~~Written approval from the supervisor and appropriate vice president must be obtained before the employee agrees to an assignment that falls within the employee's normal workday.~~
- E. An LOA assignment must not interfere with the effective operation of the department. ~~The Vice President will consider the normal operating hours, and make the determination if working outside of those hours benefits the college.~~
- F. Full-time classified employee will be limited to ~~3~~ 6 instructional units per semester or ~~6~~ 12 hours per week on average for non-instructional assignments.

• **Section 2: Notification and Approval**

- ~~Written approval from the supervisor and appropriate vice president must be obtained before the employee agrees to an assignment.~~ The employee shall notify their supervisor in writing of their intent to assume any LOA assignments prior to the start of the assignment.

• **Section 3: Exceptions**

~~A. It is understood that the terms of this policy can be changed or altered only with the written approval of the College President.~~ Revisions to the terms of this policy shall be done in consultation with the Classified Council.

DRAFT - Administrative Faculty Letter of Appointment Policy

Procedure: Administrative Faculty Letter of Appointment Policy

Policy: This policy sets forth the method by which administrative faculty (.50 FTE and above) at TMCC may assume LOA assignments. These assignments are ***not part of the written position description and are above the normal professional duties***. Any assignment must be in accordance with NSHE Board of Regents Handbook provisions and TMCC Bylaws.

Definition: Normal workday assumes Monday through Friday from 8:00 am to 5:00 pm with a half hour variance. Administrative Faculty are Exempt Employees, and are exempt from overtime.

• Section 1: Teaching Classes or Accepting Assignments.

- TMCC administrative faculty employee may assume LOA assignments at TMCC or at other NSHE institutions (for example teaching classes) that fall outside of their regular work assignments. However, the College must address the impact on their department and written approval must be obtained from the supervisor and Vice President.
- If the assignment is outside the hours of the college's normal workday, the employee may be compensated at the standard rate appropriate for the assignment, and only with their supervisor's approval. The employee will perform all LOA duties (preparing, meeting with students, grading, etc.) outside the normal workday. This includes all duties and tasks associated with Web classes.
- If the assignment is during the college's normal work day, the employee may:
 - With approval of the supervisor, the employee may take annual leave for time spent during the normal working day for the additional assignment. Compensation will be at the standard part-time faculty or applicable rate. A schedule will be turned into HR/Payroll indicating the proposed plan. Administrative faculty may not take an additional assignment during the normal workday without using annual leave or adjusting their work schedule.
 - OR-
 - With the approval of the supervisor, the employee may take an additional assignment during the normal workday without additional compensation. If an employee agrees to accept an assignment and receive no compensation, they may use the assignment as part of their college service. Paid assignments will not be viewed as service.
- An LOA assignment must not interfere with the effective operation of the department. The Vice President will consider the normal operating hours, and make the determination if working outside of those hours benefits the college.
- Full-time administrative faculty will be limited to 3 instructional units per semester or 6 hours per week on average for non-instructional assignments.

• Section 2: Notification and Approval

- Written approval from the supervisor and appropriate vice president must be obtained before the employee agrees to an assignment.

• Section 3: Exceptions

- The dean level and above are not eligible to accept assignments during normal working hours.
- It is understood that the terms of this policy can be changed or altered only with the written approval of the College President.

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PROPOSED Background Check Policy for Academic and Administrative Faculty

Based on WNC Current Policy

Policy: It shall be the policy of TMCC to conduct background checks on all new full time and part time employees hired into Academic and Administrative faculty positions.

- **Section 1: Purpose**

- A. TMCC is committed to providing a safe and secure environment for students, faculty, staff and all other constituents. TMCC performs due diligence by requiring background checks for all new employees hired into faculty positions. This policy outlines the details of pre-employment post-offer background verification for academic faculty and administrative faculty.

- **Section 2: Application of Policy**

- A. This policy applies to all academic faculty and administrative faculty. This policy does not apply to non-instructional staff hired on a Letter of Appointment. NRS 239B.010 authorizes agencies of the State of Nevada, including the Nevada System of Higher Education, to obtain information on the background and personal history of persons with whom it intends to enter into an employment relationship.
- B. Definitions
 - 1. "Credit history check" means checking the credit history of the selected applicant or employee. (Federal laws prohibit discrimination against an applicant or employee as a result of bankruptcy.)
 - 2. "Criminal history check" means verifying that the selected applicant or employee does not have any undisclosed criminal history in every jurisdiction where the applicant or employee currently or has formerly resided.
 - 3. "Educational verification" means ensuring the selected applicant or employee possesses all valid educational credentials beyond high school listed on the application, resume or cover letter or otherwise cited by the candidate that qualifies the individual for the position sought.
 - 4. "Employee" is defined as any person hired into an academic faculty and administrative faculty position by TMCC, whether full- or part-time.
 - 5. "License verification" means ensuring the selected applicant or employee possesses all the currently valid licenses listed on the application, resume or cover letter or otherwise cited by the candidate that qualifies the individual for the position sought and verification of any license required for the position, including verification of the disposition of such licenses. This includes any motor vehicle driver licenses required for the associated position.
 - 6. "Limited criminal history check" means verifying that the selected applicant or employee does not have any undisclosed criminal history in the jurisdiction where the applicant or employee

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currently resides, or where the applicant or employee last resided, if the applicant or employee only recently moved to a location near the college.

- 7. "Sex and violent offender registry check" means verifying the selected applicant or employee does not have undisclosed convictions of certain sex and violent crimes in every jurisdiction where the applicant or employee currently or has formerly resided.
- 8. "Adverse information" means facts which are discovered as part of the background check which are unfavorable to the candidate.

- **Section 3: Policy Provisions**

- A. A background check must be completed on all new academic faculty and administrative faculty positions as a condition of employment. Current academic faculty and administrative faculty with no previous background check moving into a new position must complete a background check. A background check will be required of a classified employee converting to a faculty position or a faculty member converting to a classified position. If a background check was conducted within the last calendar year from the new appointment, another background check will not be required. A background check will not be required for internal searches or promotions. Human Resources will coordinate the background check with a third party vendor. Depending on the nature of the position, the department may request background information on any of the following information.
 - 1. Educational verification.
 - 2. License verification (Hiring department will verify)
 - 3. Criminal history check
 - 4. Sex and violent offender registry
 - 5. Credit check for certain positions (Appointing authority to determine)
- B. Foreign nationals who are offered employment into appointed faculty positions will be subject to the following provisions:
 - 1. The verification of education the candidate has cited that qualifies the individual for the position.
 - 2. A criminal history check covering time in the United States if the period of time that the individual has worked in the United States exceeds one year.
 - 3. A criminal history check in the individual's prior countries of residence only if the individual's visa and/or authorization to work in the United States was issued before implementation of the Patriot Act on October 24, 2001. The college will not require that a criminal history check be conducted in the individual's prior countries of residence if the visa or authorization to work was issued or renewed under the provisions of the Patriot Act.

- **Section 4: Use of Background Check Information**

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- A. The third party vendor that conducts the background check will provide the results of the check to the Human Resources Office. If the background check reveals adverse information, the Director of Human Resources will conduct the initial review of any adverse information. If the adverse information is job related, the Director of Human Resources will consult with the appointing authority. The final decision for disqualification/termination from consideration for a position lies with the appointing authority.

- **Section 5: Process and Procedures**

- A. An offer letter of employment must include the following statement: "This offer is contingent on the completion of appropriate background verification which may include criminal history, credit history, sex and violent offender registry, education verification, licensure and employment history to be administered by the Truckee Meadows Community College Human Resources Office."
- B. A notice on the TMCC Human Resources Positions Available web page will inform all applicants that they are subject to a background check, which may include: criminal history, credit history, sex and violent offender registry, education verification, licensure and employment history.
- C. After signed acceptance of the conditional offer of employment, the department will notify Human Resources to initiate a background check. The appointing authority will determine if any additional components (credit history, education verification, licensure, and employment history) of the background check will be performed.
- D. If the background check indicates adverse information, the vendor will inform Human Resources.
- E. If circumstances warrant, the faculty member may be allowed to start working before the results are known. If the background check reveals adverse information, the standard review of this information to determine job applicability would occur. The faculty member could be terminated if the conviction was deemed job related.
- F. Any decision to accept or reject an individual with a conviction is solely at the discretion of Truckee Meadows Community College. (All related information will be treated as confidential, and protected as such.)
- G. All results of criminal and sex and violent offenders' convictions or issues are considered confidential and will be maintained in confidential files within Human Resources.
- H. The hiring department is responsible for any fees associated with any of the components of the background check process. Human Resources will coordinate payment to the vendor.
- I. Decisions regarding the withdrawal of an employment offer as a result of a background check may not be appealed by the applicant.

- **Section 6: If Adverse Information Is Reported**

- A. If the background check indicates adverse information regarding criminal background, credit history, licensure or employment verification, the vendor will inform Human Resources. Human Resources will provide a copy of the report to the applicant. (All related information will be treated as

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confidential, and protected as such.) The applicant will have an opportunity to explain the adverse information or provide additional information.

- B. The Director of Human Resources or designee will evaluate the adverse information to determine if it is job related and has a possible impact on the position.
- C. Certain types of convictions will automatically preclude hiring individuals into certain positions. For example, individuals with convictions for theft, embezzlement, identity theft or fraud should not be hired with fiduciary responsibilities. Individuals with workplace or domestic violence convictions, crimes of a sexual nature or other behaviors that would be inappropriate in an environment with children and young adults. This list is not inclusive, but illustrative. Other information revealed in background checks, apart from criminal convictions may affect campus employment decisions.
- D. If the criminal history check reveals convictions which the individual disclosed on the Pre-Employment Certification, Human Resources will review the and will evaluate each conviction, including any additional information the individual provides, before the offer of employment is confirmed or withdrawn. The existence of a conviction does not automatically disqualify an individual from employment. Relevant considerations may include, but are not limited to, the nature and number of the convictions, the amount of time elapsed since conviction, and the relationship a conviction has to the duties and responsibilities of the position.
- E. If convictions are revealed in the criminal history check which the applicant did not disclose on the Pre-Employment Certification, the offer of employment will be withdrawn and, if employed, the individual will be separated from employment, unless the individual shows that the report is in error. In the event that the results of the background check influences a decision to withdraw an employment offer or terminate employment, Human Resources will consult with the hiring authority for the unit. The final decision lies with the appointing authority. Either the hiring authority or the Director of Human Resources can request the decision be referred to the President or designee for final consideration.