

# TABLE OF CONTENTS

<b>INTRODUCTION</b> .....	iii
<b>THE AUTHOR</b> .....	v
<b>ACKNOWLEDGMENTS</b> .....	vi
<b>I. GENERAL EMPLOYMENT</b> .....	1
A. Performance Evaluation .....	1
B. Probationary Period .....	13
C. Promotion and Transfer .....	19
D. Nepotism .....	24
E. Outside Employment .....	27
F. Personnel Records .....	30
Selected Bibliography .....	34
<b>II. CODES OF CONDUCT</b> .....	35
A. Professional Expectations .....	35
B. Conflicts of Interest .....	38
C. Use of Property .....	47
D. Attendance and Punctuality .....	50
E. Smoking .....	55
F. Confidential Material .....	59
Selected Bibliography .....	64
<b>III. LEAVES OF ABSENCE</b> .....	65
A. Leave without Pay .....	65
B. Jury Duty .....	73
C. Funeral Leave .....	77
D. Military Leave .....	81
E. Family and Medical Leave Act (FMLA) .....	87
Selected Bibliography .....	98

<b>IV. DRUGS AND ALCOHOL</b> .....	99
Selected Bibliography .....	106
<b>V. NONDISCRIMINATION</b> .....	107
A. Equal Employment Opportunity .....	107
B. Sexual Harassment .....	112
C. Disabilities .....	125
Selected Bibliography .....	131
<b>VI. MISCONDUCT AND DISCIPLINE</b> .....	132
A. Prohibited Conduct .....	132
B. Disciplinary Procedures .....	138
Selected Bibliography .....	148
<b>VII. SEPARATION</b> .....	149
A. Termination .....	149
B. Resignation .....	153
C. Retrenchment .....	155
D. Retirement .....	157
E. Exit Procedures .....	160
Selected Bibliography .....	165
<b>VIII. GRIEVANCE PROCEDURES</b> .....	166
A. Informal Procedure .....	166
B. Formal Grievance Procedures .....	170
Selected Bibliography .....	185
<b>INDEX</b> .....	186
<b>SUPPLEMENT ORDER FORM</b> .....	188

# INTRODUCTION

## STAFF HANDBOOK POLICIES

This manual was prepared in response to many inquiries from clients and others seeking model policies for staff and administrative handbooks. Model policies generally do not exist; however, policies that reflect good practice are available through various institutions.

This forms manual provides examples of policy options for use by colleges and universities. Each section has a common format that includes an Overview of the general topic and Sample Policies. Each separate policy is identified by a check mark. A Selected Bibliography is provided at the end of each chapter.

The manual addresses the following key policy issues:

- Performance Evaluations
- Nepotism
- Codes of Conduct
- Drugs and Alcohol
- Disciplinary Procedures
- Conflicts of Interest
- Termination
- Retrenchment
- Retirement
- Sexual Harassment
- Disabilities
- Nondiscrimination
- Exit Interviews
- Grievance Procedures
- Leaves of Absence

Two companion forms manuals, *Faculty Employment Policies* and *Student Handbook Policies*, also are available. All three manuals are available on computer disk.

This manual will be supplemented periodically. The supplements will be added to the back of the manual and will identify new policies or proposed changes to existing model policies. The supplements may be ordered using the order form provided in this manual.

We welcome your suggestions, comments, and submissions of policies to review for inclusion in the manual. This is a beginning; we intend to improve constantly as we gain experience using the manual and receive comments from users of the manual.

For further information, please write to College Legal Information, Inc., P.O. Box 150541, Nashville, Tennessee 37215-0541, or call (615) 383-3332. Copies can be obtained by sending payment to College Legal Information, Inc., P.O. Box 150541, Nashville, Tennessee 37215-0541.

Copies are \$60.00 each, \$55.00 each for 2 or more, or \$95.00 for a manual and a computer disk. Supplements are available and may be ordered by using the form in this manual.

IF LEGAL ADVICE OR OTHER EXPERT  
ASSISTANCE IS REQUIRED, THE SERVICES  
OF A COMPETENT PROFESSIONAL SHOULD  
BE SOUGHT.

# THE AUTHOR

Kent M. Weeks, a practicing attorney with the law firm of Weeks, Turner, Anderson, Russell & Haynes of Nashville, Tennessee has a distinguished professional career as a teacher, administrator, lawyer, and author. A Fulbright Scholar, Weeks earned degrees from The College of Wooster, University of New Zealand, Duke University, and a Ph.D. from Case Western Reserve University. He edited two volumes for the Center for Constitutional Studies that have had singular impact on the independent sector: *A Legal Inventory for Independent Colleges and Universities* and *A Legal Deskbook for Administrators of Independent Colleges and Universities (2nd Edition)*.

He is a Professor of the Practice of Education at Vanderbilt University and has been invited by many colleges and their associations to present seminars on higher education and the law. He has written several books and more than 41 articles and papers for scholarly journals, and he currently edits *Lex Collegii*, a legal newsletter for independent colleges and universities. In addition to this manual, Weeks has written several others, each addressing particular topics relevant to college personnel and policies: *Managing Admissions, Records, and the Law*; *Complying with Federal Law*; *Faculty Decision Making and the Law*; *Student Affairs Decisions and the Law*; *Faculty Evaluation and the Law*; *Record Retention and Disposal*; *Faculty Employment Policies*; *Student Handbook Policies*; and *Managing Departments: Chairpersons and the Law*.

Weeks has consulted with colleges throughout the United States and serves as legal counsel to several colleges and educational associations. He has participated in and directed more than 100 seminars and workshops for college administrators, faculty and trustees and has addressed many higher education organizations, associations, and legal groups.

# ACKNOWLEDGMENTS

This forms manual is a product of many years of thought and reflection on the legal issues facing college administrators and staff who make significant decisions. It reflects numerous contacts with college administrators and staff regarding the legal terrain in which decisions affecting staff members are made.

Acknowledgment must be given to my many clients who often have caused me to think about these issues, how to draft good, usable policies, and how to identify preventive ways to reduce or eliminate legal exposure.

Throughout the years, clients have requested model policies. Believing that policies should be developed for each institution based on its particular mission, I have avoided developing model policies. With this manual, however, model policies are offered for each issue, allowing the institution to assess its unique situation and select policies based on its particular purpose.

I appreciate the cooperation of those administrators who responded to our request for policies. Their submissions were a valuable contribution to the development of this manual.

Finally, special acknowledgments must be given to my paralegal, Garry Founds, who worked creatively and diligently with me on the development of this manual. I am also deeply grateful to my legal assistant, Sandy Crain, who worked diligently on the production of the manual.

Kent M. Weeks  
Nashville, Tennessee  
Fall, 1997