



# SNOW COLLEGE

## College Council Agenda

Monday, May 13, 2019 • 1:30 – 2:30 PM

Lorenzo and Erastus Snow Conference Room • Noyes Building

	1. Welcome		Gary Carlston President
<b>Action</b>			
	2. Meeting Minutes	Attachment 1	President Carlston
<b>Final Review</b>			
	3. Birth and Adoption Policy	Attachment 2	Jake Dettinger Vice President for Admin Services
	4. Death Benefit Policy	Attachment 3	Vice President Dettinger
<b>Initial Review</b>			
	5. Email Communication Policy	Attachment 7	Vice President Dettinger
	6. Hiring, Promotions, and Transfers Policy	Attachment 8	Vice President Dettinger
<b>Discussion &amp; Informational</b>			
	7. Calendaring Details		
	May 17	Board of Regents & Board of Trustees Meeting	
	June 28	Board of Trustees Meeting	
	September 9	College Council Meeting	

#### Committee Membership:

Mike Brenchley, Nate Caplin, Gary Carlston, Jacob Dettinger, Jared Devey, Steve Hood, Heidi Johnson, Craig Mathie, Brad Olsen, Paul Tew, Larry Smith, Jason Springer, Allan Stevens, Bryce Warby



## College Council Meeting Summary • April 15, 2019

*Members Attending:* Mike Brenchley, Gary Carlston, Jake Dettinger, Heidi Johnson, Craig Mathie, Brad Olsen, Larry Smith, Paul Tew, Bryce Warby  
*Others Attending:* Carlie Fowles, Josh Hales, Marci Larsen (secretary), Meagan White

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### Welcome (President Carlston)

- Thanks to the group for meeting again for a special meeting

### Amorous Relationship Policy (Vice President Dettinger)

- Josh Hales reviewed proposed changes
- Motion on 2.2 – take out word volunteer – Bryce Warby, Heidi Johnson second; Larry Smith opposed, all others in favor
- Motion on 2.7 – strike end of sentence – Mike Brenchley motion, Paul Tew second; all in favor
- 3.1.1.3 – this prohibition does not apply to academic discussion and materials as generally accepted in the various disciplines – motion by Steve Hood – seconded by Craig Mathie; all in favor
- 3.1.2 – strike student employees completely – Heidi Johnson motion; Steve Hood second; all in favor
- 3.2.1.4 – motion by Nate Caplin to cut middle part - Where there exists a consensual relationship, an employee may apply to HR. Where a special trust relationship is in effect, no exception will be granted. Seconded by Craig Mathie. Josh said this is needed – passed by majority
- 3.3 – section on employees – motion to remove by Larry Smith; seconded by Brad Olsen; all in favor
- 4.3 – remove – motion by Heidi Johnson, Bryce Warby seconded; all in favor
- Strike 4.0 ---- motion by Heidi Johnson, seconded by Paul Tew, all in favor
- Broader discussion of where procedures fit with policy – if they are going to become policy, need to make them
- Entertained motion to send policy out for 30 day review with changes. Bryce Warby so moved. Steve Hood seconded. Bryce said can continue to discuss during 30 days. Steve Hood said HB391 is not enough. Larry Smith said every change is improvement. Mike Brenchley said he is still struggling with unique situations.
  - Call question on the motion – Steve Hood
  - Nay – Mike Brenchley, Brad Olsen, Larry Smith, Craig Mathie, Heidi Johnson
- Brad Olsen made a motion to adopt the new language from governmental immunity HB 391, put into policy form, send out for 14 day review; Larry Smith seconded. All in favor. President Carlston made an exception to the mandatory 30-day review period
- *Action: Cabinet will appoint a committee to rewrite the policy – President says we all want to protect students and employees.*

### Non-capital Asset Inventory Policy (Vice President Dettinger)

- President said he is worried about the time passed to implement
- Mike Brenchley said he is ok with removal of USB
- Marci Larsen reported on the electronic vote:  
Yes: Steve, Heidi, Craig, Paul, Jason, Jake, Jared, Bryce, President  
No: Brad, Mike, Larry, Allan, Nate (with exception)
- *Action: Jake Dettinger will send out for 30-days; please everyone emphasize that all ideas welcome during review time*



## College Council Meeting Summary • March 11, 2019 & April 1, 2019

*Members Attending:* Mike Brenchley, Gary Carlston, Jake Dettinger, Jared Devey, Heidi Johnson, Craig Mathie, Brad Olsen, Larry Smith, Jason Springer, Paul Tew, Bryce Warby

*Others Attending:* Josh Hales, Melanie Jenkins, Marci Larsen (secretary)

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### Welcome (President Carlston)

- Congrats to Brad, Milinda on successful performances of Phantom

### Meeting Minutes (President Carlston)

- Change date to January 2019, not 2018
- Jake Dettinger moved approval; Larry Smith seconded, and all voted in favor

### 2019-2020 Tuition (Vice President Dettinger)

- Reviewed the process, noted will now have a thirty-minute hearing before the board
- Encouraged everyone to attend the hearing on Wednesday
- Asked Jared to share student perspective – which he said they supported
- Detailed the usage of the proposed ranges
- Suggestions: change “differential” to bachelor and add “processing” to graduation fee
- President Carlston asked the group to answer two questions
  - How important is it to be able to say, “We are most affordable?”
    - Most agreed it matters for marketing, to cross the threshold would have to be significant financially
  - How do you feel about departmental scholarships? Philosophically should students pay for scholarships?
    - Most voiced yes – strategy to sustain affordability
- *Action: Jake Dettinger will take this information and continue the discussion with other groups and on*

### Advancement and Tenure Policy (Melanie Jenkins)

- Reviewed the suggestions received
- Larry Smith said the Faculty Senate support the policy
- Larry Smith moved approval, seconded by Heidi Johnson, all voted in favor.
- *Action: Dr. Hood will present this to the trustees at the next meeting*

### Probationary Policy (Vice President Dettinger)

- Turned time to Josh Hales
- Base of change is the cyclical type of many positions
- Discussion on length of probation period
- Paul Tew made a motion leave probation at six months, adopt procedures as outlined; seconded by Bryce
- Discussion continued, and Paul Tew withdrew the motion
- Jason Springer made the motion the delete Section 3.2 and advance through the approval process. Paul Tew seconded the motion, and it passed unanimously
- *Action: Jake Dettinger will take to trustees as amended*
- President added that the supervisory training must continue, saying our own processes have to be sufficient to help our employees succeed

### Corrective Action Policy (Vice President Dettinger)

- Josh Hales said there was one comment asking if HR employees should have a separate review; he explained for protection and independence he thinks the process needs to be separate
- Bryce Warby made a motion to change “shall to may;” Larry Smith seconded, motion failed
- Larry Smith said if A&T should be professional track too
- Allan Stevens made a motion to approve the policy; Heidi Johnson seconded; motion passed with dissenting vote
- *Action: Jake Dettinger will present to trustees*

## **College Council Meeting Summary • March 11, 2019 & April 1, 2019**

### **Grievance Policy (Vice President Dettinger)**

- Josh Hales reviewed the policy
- Larry Smith asked if faculty is not part of this, and Josh Hales said he would correct the subject to reflect the change
- Paul Tew made a motion to approve. Bryce Warby seconded; motion passed unanimously
- *Action: Jake Dettinger will take to trustees*

### **Accommodation of Disabilities Policy (Vice President Dettinger)**

- On hold until more direction from state

### **Esports Addition (Jason Springer)**

- Reviewed the proposal briefly
- Said this is responding to SEM and noted initial cost will be covered by Athletics

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April 1, 2019 Meeting – Continuance of the March 11 Meeting Agenda

Attendance: President Carlston, Jake Dettinger, Jason Springer, Jared Devey, Josh Hales, Mike Brenchley, Larry Smith, Paul Tew, Steve Hood, Nate Caplin, Allan Stevens, Carlie Fowles, Bryce Warby, Meagan White, Heidi Johnson, Brad Olsen, Craig Mathie, Marci Larsen

### **Welcome (President Carlston)**

- Thanked everyone for making time to meet

### **Birth and Adoption Policy (Jake Dettinger)**

- Craig made a motion that the policy be shared with employees for the 30-day review. Jason Springer seconded, and all voted in favor
- *Action: HR will distribute to employees*

### **Death Benefit Policy (Jake Dettinger)**

- Bryce Warby suggested that the financial piece be tied to current tax law and that the use of ensure/insure be corrected
- With these adjustments, Jared Devey made a motion to send the policy out for the 30-day review. Bryce Warby seconded the motion, and it passed unanimously.
- *Action: HR will distribute the policy to employees*

### **Noncapital Asset Inventory and Tracking Policy (Jake Dettinger)**

- This item was added to the agenda and a motion was made by Craig Mathie to amend the agenda. The motion was seconded by Heidi Johnson and presented by Meagan White and Carlie Fowles
- Several faculty were not supportive of an unfunded mandate
- President suggested to get group together and discuss the policy in May, others expressed their frustration with the time that has passed since this was initially introduced 2-3 years ago
- Bryce Warby made a motion to send it out for 30 days, and Jason Springer seconded the motion. After a lengthy discussion, Bryce withdrew his motion.
- Paul Tew made a motion to give College Council a few days to review the policy as is and then do an electronic vote to determine if the policy should be distributed for 30-days. Bryce Warby seconded the motion, and it passed with one dissenting vote.
- *Action: Marci will send the request for the electronic vote on April 11*

## **College Council Meeting Summary • March 11, 2019 & April 1, 2019**

### **Space Utilization Committee (Jake Dettinger)**

- Shared document as information
- Invited people to send comments

### **Relocation Policy (Steve Hood)**

- Said he looked at other institutions, policies are all over the place
- Reported it appears that funds can be used to assist, depending on college policy/procedure

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**SUBJECT: BIRTH AND ADOPTION LEAVE**

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**1.0 PURPOSE**

- 1.1. This policy is intended to provide full-time Eligible Employees with 10 working days of **paid** leave upon the birth or adoption of a child or the placement of a foster child with an Eligible Employee.

**2.0 DEFINITIONS**

- 2.1. Birth and Adoption Leave: Leave provided to an Eligible Employee to care for and bond with a newly born or adopted child or foster child.
- 2.2. Eligible Employee: For purposes of this Policy a full-time Probationary Regular Staff Member, a full-time Regular Staff Member, full-time Faculty Member, or a full-time Administration Employee.
- 2.3. FMLA LEAVE: Leave taken in accordance with the Family and Medical Leave Act and College Policy 349.
- 2.4. Human Resources or HR. The office in the College charged with the administration and record maintenance of personnel matters or such other person as may be specially designated by the President to act in regard to this Policy.
- 2.5. Immediate Supervisor: the lowest level of salaried supervision of an Employee. The Immediate Supervisor may designate a Line Supervisor or higher level as the Immediate Supervisor for purposes of this Policy
- 2.6. Probationary Regular Staff Member: Regular Staff Members during their initial period in which they are considered in At-will Employment status and under evaluation.
- 2.7. Regular Staff Member: a staff member whose employment is of a continuous nature, initially funded for a non-temporary period, who has successfully completed the probationary period. This includes exempt and non-exempt employees not covered by a similar faculty procedure, but excludes Probationary Regular Staff Employees, At-will Employment Employees, Administration Employees, Part-time Staff Employees, Temporary Employees and Adjunct Faculty. Normally, a Regular Staff Member is one assigned to work 75% or more in a position expected to last more than 6 months that is a full-time benefits eligible position and defined as a Regular Staff Member in an employment MOU. May also be referred to as Regular Staff Employee.
- 2.8. Administration Employee: Officers of the administration whose primary responsibilities are management and general business operations including the President, Vice-Presidents, Associate Vice Presidents, Assistant Vice Presidents, and other administrative employees as designated by the employee's MOU.

- 2.9. FACULTY or FACULTY MEMBER: As referred to solely for purposes of this Policy, Faculty or Faculty Member are full-time tenure, tenure-track, and professional-track faculty. Only these Faculty are eligible for leave under this Policy.

### 3.0 POLICY

- 3.1. Eligible Employees may receive 10 extra days of leave upon the birth or adoption of the Eligible Employee's child or the placement of a foster child with an Eligible Employee to care for and bond with the child. This leave will be subject to the conditions and limitations set forth in this Policy.
- 3.2. No other employees, including Part Time Staff Members, Temporary Employees, or Adjunct Faculty, are eligible for Birth and Adoption Leave.
- 3.3. Birth and Adoption Leave may be used only for the Eligible Employee's own child, it cannot be used for grandchildren or other children even if an Eligible Employee is a de facto parent to that child.
- 3.4. This Policy is intended to work in concert with Policy 349: Family and Medical Leave Act Policy and the College's obligations to reasonably accommodate employees. All employees are entitled to the minimum protections granted by law by the FMLA and disability law and this Policy shall be interpreted and applied consistent with those protections.

### 4.0 PROCEDURES

- 4.1. The employee should give their Immediate Supervisor at least 30 days' notice of their intent to take Birth and Adoption leave when possible. Failure to provide 30 days' notice may result in the employee's request for birth and adoption leave being denied.
- 4.2. Birth and Adoption Leave is offered in addition to any other leave available to the employee.
- 4.3. Birth and Adoption Leave may not be used before the birth or actual adoption of a child. Other leave may be used before or after the birth if the employee qualifies under the FMLA and other College leave policies but Birth and Adoption Leave is intended to provide extra time to bond and care for a newborn or adopted child or foster child so it must be used only after the birth, adoption or placement.
- 4.4. Birth and Adoption Leave may be used for 10 consecutive working days or on an intermittent basis as agreed upon in writing with the Immediate Supervisor.
- 4.5. Birth and Adoption Leave must be used within 30 calendar days of the birth, adoption or placement of a child.

- 4.6. Birth and adoption leave will not be paid out upon termination from the College.



## MEMORANDUM

Date: May 4, 2019

To: Human Resources and College Council

From: Kellyanne Ure, with Rachel Keller

RE: New Birth and Adoption Leave Policy

One of the best things about living in Utah and Sanpete County specifically, is the focus on families, on children being raised in a healthy environment, and on parents and caregivers being able to care for their families with support from those around them. The proposed Birth and Adoption Leave Policy, in its present form, does not adequately support parents who work at Snow College and will not benefit the college, employees, or students. My intent here is to outline some weaknesses with the policy and offer some potential revisions to create a family-friendly policy that will benefit everyone at Snow College.

First, having a policy in place is necessary, and I applaud the effort and research that has gone into creating this policy. However, this policy is too inflexible to be beneficial for the needs of employees who adopt or birth children. Depending on individual circumstances and the needs of the college, employees should have the freedom to define their own leave situation. Creating too specific of a policy will limit the ability of employees to do what is best for them, their families, and the college. For instance, a staff member who adopts an infant may be able to bring that infant to work with him and care for that infant within weeks of adoption, allowing him to continue to advise students while also bonding with his child. However, a faculty member who had a difficult labor may need months off from teaching to recover completely and care for a struggling infant. In this case, the faculty member's students would be best served by her being rested and recovered. Whatever the policy, it must be flexible enough to allow employees to work out a leave schedule that will best benefit them and their families.

The examples above also bring up another issue: Should there be a separate policy for faculty and staff? I assume this question has already been considered; however, I would like to suggest that, yes, there should be a separate policy simply because the work needs of faculty and staff are different. Just as sick leave, vacation leave, and other policies differ, this should as well. A staff member, for instance, may be able to have his infant with him while he works. However, in the case of faculty, it would be rather difficult to meet the needs of an infant while teaching a class. Again, the solution may be a flexible enough policy to account for these differing situations, or two policies may be the best option.

Regardless of whether two policies are created, a policy for faculty should cover a full semester. FMLA leave allows 12 weeks, and the proposed policy gives an additional 10 days. This does not cover a full semester. It would be strange for a faculty member to, for example, have a child at the beginning of the semester, take off 13 weeks, and then be required to return (or take non-compensated leave) for the remaining weeks of the semester. This would place an undo academic burden on students and departments, and it is pedagogically unsound.

As the policy currently reads, it is unclear whether the 10 days is compensated leave. This should be stated more clearly. Policy 349 states the 12 weeks of leave is uncompensated. This is unacceptable. If this college is a family-friendly college, all leave related to adopting or birth a child should be compensated. This leave should be one of the benefits of employment at Snow College, a benefit that will make Snow College stand out. Currently, the United States is one of the only countries in the world that does not have a systemic policy of compensated adoption and birth leave, and US government officials have recently been making efforts to change this. Utah, and Snow College, should be at the forefront of this movement.

My understanding is that this policy would also require/encourage employees to use medical leave for adopting or birthing a child. This is unacceptable. Medical leave should be used for medical leave reasons only, not for having children. The reasons for this are clear: Should an employee use medical leave for having a child and then have a legitimate medical emergency, such as a serious car accident, mental health issues, or cancer, she will no longer have compensated leave available to her. The financial and personal ramifications of this are severe. Medical leave and adoption and birth leave must be kept separate. Again, medical leave, especially for faculty who do not have hourly sick leave, should be part of the benefits package and not connected to having a family.

It may be argued that such a policy as I am suggesting would be too generous or too financially costly for the college. As academic employers, and employers more generally, are dealing with the issue of family leave policies, Snow could be a leader in this area. Snow College struggles with recruiting and retaining a diverse body of faculty and staff. A generous leave policy will attract and retain quality employees, which in turn will attract a more diverse student body. Generous leave policies are also a benefit to current employees, who see such policies as the investment the college has in them and the work they do. Finally, a flexible policy will allow the college to work with employees as they consider the impact of individual circumstances on college resources.

Above all, a policy should be flexible enough to allow employees to make their own decisions regarding their personal family situation and flexible enough to accommodate the needs of faculty and staff in a variety of departments and offices. The policy should be sensitive to the health and wellbeing of employees and their children. This will ensure that all employees are at their best as we serve the needs of the students at Snow College. The current policy does not allow for this flexibility and should be significantly revised before it is approved.

Kellyanne and Rachel,

Thank you for providing this feedback. I think some additional context may be helpful:

First, you are 100% correct that current practices do not match the family friendly values that we claim to espouse in this area. There is still a lot of work to do in this area to get us where we need to be to properly support families. Over the coming months, we will work on comprehensive leave policies for both faculty and staff that will better coordinate the various leaves available. As we do so, we can take the time to make sure we are being as generous as possible with our budget and staffing realities. Therefore, see this policy as step 1. Since we currently have nothing available, I wanted to quickly get out something that we know we can offer so families that are currently expecting can at least have something.

Second, it is very rare to have a staff member who can bring an infant to work.

Third, faculty already have a policy (Policy 350) that allows them to take an entire semester off (actually the policy allows for 6 months of continuous leave) when they give birth. (I interpret the policy as being available for both parents) Currently there is nothing available for couples adopting. Since the only requirement for subsequent leaves is to be back for two weeks, faculty are not disadvantaged by using sick leave for illness. NOTE: This creates a significant equity gap between staff and faculty that will need to be addressed when we develop the comprehensive policies.

Fourth, this leave is paid leave. I have made that more clear in the version going to College Council on Monday. FMLA Leave is unpaid leave. Policy 350 essentially makes it so faculty will never take FMLA unpaid. Staff have sick leave and short-term disability insurance to get paid while on FMLA leave.

Finally, can you clarify what is inflexible about the current policy? Some of the feedback we have received has indicated that we are probably being too flexible with regards to when the leave must be taken. Please note that providing boundaries is necessary for two reasons:

- Providing boundaries ensures that managers allow employees to take the leave in a timely manner.
- We have a problem at the college of giving people “blank checks” that become unsustainable. This not only creates problems with budgets and department operations, but it also creates a negative experience for the employees when expectations have not been managed properly.

For these reasons above, I’m going to recommend that the college council pass the policy along with some minor revisions. We have a few families who are currently expecting and are counting on getting the extra days in the current proposal, and I would hate to withhold this benefit from them while we work to make a better policy.

Thank you for taking the time to provide feedback. I agree that this is something that we need to do better at Snow, and I am committed to pushing these issues forward. Please share with me any ideas you have on the comprehensive policy. I will also be getting feedback on the comprehensive policy from Faculty Senate, so let your senate rep know what issues you want them to look for as well.

Thanks,

**Josh Hales**

Director of Human Resources

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**SUBJECT: BENEFIT IN THE EVENT OF AN EMPLOYEE OR SPOUSE'S DEATH**

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- 1.0 PURPOSE
  - 1.1. To provide a special Benefit payment in the event of the death of an Eligible Employee of the College, or their spouse, who dies while in an active pay status.
  
- 2.0 DEFINITIONS
  - 2.1. Benefit: A payment made by the College in the event of an Eligible Employee or spouse's death.
  - 2.2. Eligible Employee: A full-time Regular Staff Member, Administration Employee, or Faculty Member.
  - 2.3. Administration Employee: Officers of the administration whose primary responsibilities are management and general business operations including the President, Vice-Presidents, Associate Vice Presidents, Assistant Vice Presidents, and other administrative employees as designated by the employee's MOU.
  - 2.4. Faculty Member: A person who is a member of the College's full-time Faculty as defined in Policy.
  - 2.5. Regular Staff Member: a staff member whose employment is of a continuous nature, initially funded for a non-temporary period, who has successfully completed the probationary period. This includes exempt and non-exempt employees not covered by a similar faculty procedure, but excludes Probationary Regular Staff Employees, At-will Employment Employees, Administration Employees, Part-time Staff Employees, Temporary Employees and Adjunct Faculty. Normally, a Regular Staff Member is one assigned to work 75% or more in a position expected to last more than 6 months that is a full-time benefits eligible position and defined as a Regular Staff Member in an employment MOU. May also be referred to as Regular Staff Employee.
  
- 3.0 POLICY
  - 3.1. If an Eligible Employee of the College dies while actively employed by the College, the College will pay the balance of that month's salary, accrued vacation and compensatory leave, and a Five Thousand Dollar (\$5,000.00) Benefit. If a spouse of an Eligible Employee dies while the Eligible Employee is actively employed, the College will pay a Five Thousand Dollar (\$5,000.00) Benefit.

#### 4.0 PROCEDURES

- 4.1. Eligible Employees may complete a DESIGNATION OF BENEFICIARY FORM to be used solely for the payment of the Benefit in the event of the death of the employee. The form will be retained in the employee's personnel file. The beneficiary noted on the DESIGNATION OF BENEFICIARY FORM is not printed on any statement or record that is routinely sent to the employee; therefore, it is the employee's responsibility to insure that the information on the form is correct. This beneficiary designation is revocable at any time by completing and submitting a new form to the campus human resources office. If a DESIGNATION OF BENEFICIARY is not filled out the Benefit will be paid to the employee's lawful spouse if any and then in accord with Utah intestacy law.
- 4.2. In the event of the death of a spouse the Benefit payment will be made to the Eligible Employee and if the Eligible Employee does not survive the spouse then in accord with Utah intestacy law.
- 4.3. Payments made to an Eligible Employee after the death of a spouse will be made through the normal payroll process.
- 4.4. After the death of an Eligible Employee, unpaid wages, salary, and vacation will be paid through the normal payroll process, and the \$5,000 benefit will be paid through the accounts payable process.
- 4.5. The Benefit may be taxable and will be reported in the regular income of the Eligible Employee, according to current tax law.
- 4.6. Survivor(s) may be requested to supply appropriate information and must reasonably cooperate to qualify for payment of the Benefit.

**Deleted:** on a W2 or a 1099 form if paid due to the death of an Eligible Employee.

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**SUBJECT: INSTITUTIONAL BUSINESS COMMUNICATIONS**

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1.0 PURPOSE

1.1. To ensure Snow College collects and maintains all business email communications in the institution's enterprise email systems for security, auditability, records management, document preservation, personnel actions, archiving and destruction, and other purposes as appropriate.

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2.0 DEFINITIONS

2.1. ENTERPRISE EMAIL SERVICE - The email system by which Snow College engages in official business. This is currently @snow.edu. Enterprise email service does not include a separate, affiliated email service the institution offers to alumni or other groups.

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2.2. INSTITUTIONAL BUSINESS EMAIL COMMUNICATIONS - Email communication that an employee, officer, volunteer or other designated individual has sent as part of his or her duties on behalf of the institution, and other email communications the college has designated as business communications either through this policy or through internal procedures.

3.0 POLICY

3.1. Snow College requires its employees, officers, and other designated individuals to use only the institution's Enterprise Email Service, when conducting institutional business by email.

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3.2. Active accounts in the Enterprise Email Service are only available to active employees, new hires, and others as approved by the applicable Vice President.

3.3. Employees are specifically prohibited from using any private or non-Enterprise Email Service for institutional business by email.

Deleted: email purposes

3.4. Employees shall maintain institutional business email communication in compliance with records retention regulations, records management regulation, or any applicable law or policy.

3.5. The information security office, with the approval of the College President, may approve additional Enterprise Email Services.

3.6. The information security office, with the approval of the college president, may approve or restrict additional non-email communication platforms over which employees can conduct college business.

3.7. The office of Information Technology will establish and enforce guidelines related to mailbox size, archiving, email aliases, and other issues related to managing the Enterprise Email Service

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**SUBJECT: Hiring, Promotions, and Transfers**

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1.0 PURPOSE

- 1.1. To establish policy, ~~procedures,~~ and guidelines that will promote fairness and rigor around decisions to hire, transfer, and promote employees at Snow College
- 1.2. To provide opportunities for upward mobility for current employees who are qualified for higher-level positions.

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2.0 DEFINITIONS

- 2.1. Adjunct Faculty: A person who is not Faculty but who is employed to teach classes. All Adjunct Faculty are considered At-will Employment Employees.
- 2.2. Administration Employee: Officers of the administration whose primary responsibilities are management and general business operations including the President, Vice-Presidents, Associate Vice Presidents, Assistant Vice Presidents, and other administrative employees as designated by the employee's MOU. All Administration Employees are considered At-will Employment Employees.
- 2.3. Faculty: A person who is a member of the College's full-time Faculty as defined in Policy. A person may be a Faculty member and in a Staff position in which case this Policy applies to employment in the Staff position. Rights as a Faculty member are addressed in the College's Advancement and Tenure Policy or Professional Track policy
- 2.4. ~~Hiring Committee: A short-term committee established by a hiring manager to evaluate candidates for an open position at the college.~~
- 2.5. ~~Hiring manager: The person who will be the immediate supervisor of the selected employee, whether or not salaried.~~
- 2.6. Human Resources or HR. The office in the College charged with the administration and record maintenance of personnel matters or such other person as may be specially designated by the President to act in regard to this Policy.
- 2.7. Immediate Supervisor: the lowest level of salaried supervision of an Employee. The Immediate Supervisor may designate a Line Supervisor or higher level as the Immediate Supervisor for purposes of this Policy.
- 2.8. Part-time or Temporary Staff Member: a Staff Member assigned to work less than full-time, or in a position considered temporary or expected to be of short duration. Normally, a Part-Time Staff Member is one assigned to work less than 75%. A Temporary Staff Member is an Employee in a position that is not expected to last more than 9 months. All Part-time and Temporary Staff Employees are considered At-will Employment Employees.
- 2.9. ~~Permanent Part-time Employees: Part-time employees in positions expected to remain funded for the foreseeable future~~

Moved (insertion) [2]

Moved (insertion) [3]



2.10. Promotion: Moving or advancing an employee to a different position within the college that has increased pay, authority, and/or other job characteristics as the previous position.

Moved (insertion) [4]

2.11. Regular Staff Member: a staff member whose employment is of a continuous nature, initially funded for a non-temporary period, who has successfully completed the probationary period. This includes exempt and non-exempt employees not covered by a similar faculty procedure, but excludes Probationary Regular Staff Employees, At-will Employment Employees, Administration Employees, Part-time Staff Employees, Temporary Employees and Adjunct Faculty. Normally, a Regular Staff Member is one assigned to work 75% or more in a position expected to last more than 6 months that is a full-time benefits eligible position and defined as a Regular Staff Member in an employment MOU. May also be referred to as Regular Staff Employee.

2.12. Student Employees: Employees who are taking at least six credits worth of classes and are in positions typically reserved for students.

Moved up [2]: <#>Hiring Committee: A short-term committee established by a hiring manager to evaluate candidates for an open position at the college.¶

2.13. Transfer: Moving an employee to a different position within the college that has comparable pay, authority, and other job characteristics as the previous position.

Deleted: <#>Permanent Part-time Employees: Part-time employees in positions expected to remain funded for the foreseeable future¶

3.0 POLICY

3.1. Snow College is committed to hiring those persons whose education, experience, knowledge, skills, and abilities best match the requirements of the position for which they have applied and will strengthen the College and best help it meet its mission. In addition, the college is committed to creating a diverse and inclusive workplace, providing opportunities for underrepresented classes of employees including honoring statutory obligations in connection with this such as Veteran preferences.

Moved up [3]: <#>Hiring manager: The person who will be the immediate supervisor of the selected employee, whether or not salaried.¶

Moved up [4]: <#>Promotion: Moving an employee to a different position within the college that has increased pay, authority, and/or other job characteristics as the previous position.¶

Deleted: , promoting and transferring

3.1.1. In general, having standardized hiring processes serve this Policy best. The Human Resources Department shall develop such standardized processes and oversee the hiring process. While deviations from a standardized process may be authorized on a case-by-case basis where such deviations do not undermine this Policy, such deviations should be rare, documented and justified. The standardized processes developed shall be designed to accomplish the following:

Moved (insertion) [1]

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- 3.1.1.2. Start the search process by looking within the College to see if the best candidate for a position is within the College, without requiring an external search. This will aid in the retention and development of existing employees.
- 3.1.1.3. If the best candidate is not already within the College, conducting searches to ensure that strong candidate pools are formed and the best candidate is selected.
- 3.1.1.4. Provide an easy to follow procedures for searches that are standard for each type of position.
- 3.1.1.5. Balance the cost of employee searches with the needs of the College. For example, temporary positions may justify shortened or summary searches.

3.2. Snow College is committed to providing employees with promotion opportunities within the College. This includes starting search processes for higher level positions by first looking within the College, providing for advancement, and providing for development of employees and greater opportunities and responsibilities within their existing positions.

3.3. At times transferring employees to different positions is beneficial for the employee and the College by better aligning strengths, skills, and interests of employees and positions. Vice Presidents may transfer employees within their jurisdiction. The College President may transfer employees across Vice President jurisdictions.

3.3.1. Human Resources should be involved in transfer decisions. The commitments outlined in 3.1 should be considered in all transfer decisions.

3.4. Human Resources shall develop and publish Procedures implementing and assuring compliance with this Policy and shall prepare Guidelines to help Hiring Committees and Hiring Managers implement this Policy and the Procedures.

3.5. Human Resources shall be involved in all hiring, promotion and transfer decisions to assure consistency, fairness and compliance with law and policy.

3.6. All decisions related to hiring, transfer, or promotion must be compliant with policies on Equal Employment Opportunity, Nepotism, and any other applicable law or policy.

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**Deleted:** The commitments outlined in 3.1 should be considered in all transfer decisions.

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**Deleted:** <#>Promotion opportunities may or may not be advertised, but hiring managers must follow this policy and standardized hiring processes to ensure promotion candidates are the best qualified for the position.¶

**Commented [MH1]:** Does affirmative action still exist? I am not sure it does in a formal way.

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**Moved up [1]:** <#>In general, having standardized hiring processes serve this Policy best. The Human Resources Department shall develop such standardized processes and oversee the hiring process. While deviations from a standardized process may be authorized on a case-by-case basis where such deviations do not undermine this Policy, such deviations should be rare, documented and justified. The standardized processes developed shall be designed to accomplish the following:¶  
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 <#>Start the search process by looking within the College to see if the best candidate for a position is within the College, without requiring an external search. This will aid in the retention and development of existing employees.¶  
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 <#>Balance the cost of employee searches with the needs of the College. For example, temporary positions may justify shortened or summary searches.¶

**Deleted:** <#>PROCEDURES¶  
<#>¶  
<#>The College is the sole determiner of what positions need to be created, filled, reduced or eliminated. There is no guarantee that a position will be filled, continued or kept.¶  
<#>All decisions to hire, transfer, and promote must be based solely on an individual's ability to perform the essential duties of the position, with or without reasonable accommodations and any legal obligations.¶  
<#>No decision to hire, transfer, or promote will be influenced by race, ethnicity, national origin, religion, gender (including gender identity), family status (including pregnancy or plans to have children), age (unless a job candidate is under the age of 18), disability, genetic information, or any other criteria prohibited by law or policy.¶  
<#>¶  
<#>The processes in this document represent the minimum steps and standards for hiring employees at the college. In consultation with Human Resources, additional or alternate processes may be imposed as determined to be appropriate.¶  
<#>¶  
<#>Human Resources must review all assessment tools (interview questions, tests, cases, ect.) before those tools are used by hiring committees. Sample questions are included as well as guidelines in asking interview questions.¶  
<#>¶  
<#>¶  
<#>The Office of Human Resources may establish additional guidelines to ensure compliance with laws and regulations, additional policies, or other purposes necessary for the promotion of college goals and objectives¶  
<#>¶  
<#>Any exceptions to these processes and guidelines must be approved in writing by the College President. ¶  
<#>¶  
<#>GENERAL REQUIREMENTS¶  
<#>Hiring committees should:¶  
<#>Be selected to represent the major stakeholders of the position¶  
<#>Be selected to bring a diverse perspective to the committee¶  
<#>Include at least one member outside of the hiring department¶  
<#>Be free of any member who may be unduly influenced by personal relationships or biases. Any hiring committee member who has a significant personal or familial relationship with one of the job candidates should withdraw from the committee¶  
<#>¶  
<#>All hiring committee members are subject to the approval of the area's Vice President and Human Resources¶  
<#>¶  
<#>At their discretion, the College President and/or the area's Vice President may elect to interview the selected candidate before granting approval¶  
<#>¶  
<#>HIRING PROCEDURES¶  
<#>Student and Temporary Workers¶  
<#>Student and Temporary Workers may be selected by the hiring manager or designee¶  
<#>The hiring manager or designee must follow the anti-discrimination policy and anti-nepotism policy when making a decision¶

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**SUBJECT: Hiring, Promotions, and Transfers**

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**1.0 PURPOSE**

- 1.1. To establish policy, procedures, and guidelines that will promote fairness and rigor around decisions to hire, transfer, and promote employees at Snow College
- 1.2. To provide opportunities for upward mobility for current employees who are qualified for higher-level positions.

**2.0 DEFINITIONS**

- 2.1. Adjunct Faculty: A person who is not Faculty but who is employed to teach classes. All Adjunct Faculty are considered At-will Employment Employees.
- 2.2. Administration Employee: Officers of the administration whose primary responsibilities are management and general business operations including the President, Vice-Presidents, Associate Vice Presidents, Assistant Vice Presidents, and other administrative employees as designated by the employee's MOU. All Administration Employees are considered At-will Employment Employees.
- 2.3. Faculty: A person who is a member of the College's full-time Faculty as defined in Policy. A person may be a Faculty member and in a Staff position in which case this Policy applies to employment in the Staff position. Rights as a Faculty member are addressed in the College's Advancement and Tenure Policy or Professional Track policy
- 2.4. Hiring Committee: A short-term committee established by a hiring manager to evaluate candidates for an open position at the college.
- 2.5. Hiring manager: The person who will be the immediate supervisor of the selected employee, whether or not salaried.
- 2.6. Human Resources or HR. The office in the College charged with the administration and record maintenance of personnel matters or such other person as may be specially designated by the President to act in regard to this Policy.
- 2.7. Immediate Supervisor: the lowest level of salaried supervision of an Employee. The Immediate Supervisor may designate a Line Supervisor or higher level as the Immediate Supervisor for purposes of this Policy.
- 2.8. Part-time or Temporary Staff Member: a Staff Member assigned to work less than full-time, or in a position considered temporary or expected to be of short duration. Normally, a Part-Time Staff Member is one assigned to work less than 75%. A Temporary Staff Member is an Employee in a position that is not expected to last more than 9 months. All Part-time and Temporary Staff Employees are considered At-will Employment Employees.
- 2.9. Permanent Part-time Employees: Part-time employees in positions expected to remain funded for the foreseeable future

- 2.10. Promotion: Moving or advancing an employee to a different position within the college that has increased pay, authority, and/or other job characteristics as the previous position.
- 2.11. Regular Staff Member: a staff member whose employment is of a continuous nature, initially funded for a non-temporary period, who has successfully completed the probationary period. This includes exempt and non-exempt employees not covered by a similar faculty procedure, but excludes Probationary Regular Staff Employees, At-will Employment Employees, Administration Employees, Part-time Staff Employees, Temporary Employees and Adjunct Faculty. Normally, a Regular Staff Member is one assigned to work 75% or more in a position expected to last more than 6 months that is a full-time benefits eligible position and defined as a Regular Staff Member in an employment MOU. May also be referred to as Regular Staff Employee.
- 2.12. Student Employees: Employees who are taking at least six credits worth of classes and are in positions typically reserved for students.
- 2.13. Transfer: Moving an employee to a different position within the college that has comparable pay, authority, and other job characteristics as the previous position.

### 3.0 POLICY

- 3.1. Snow College is committed to hiring those persons whose education, experience, knowledge, skills, and abilities best match the requirements of the position for which they have applied and will strengthen the College and best help it meet its mission. In addition, the college is committed to creating a diverse and inclusive workplace, providing opportunities for underrepresented classes of employees including honoring statutory obligations in connection with this such as Veteran preferences.
  - 3.1.1. In general, having standardized hiring processes serve this Policy best. The Human Resources Department shall develop such standardized processes and oversee the hiring process. While deviations from a standardized process may be authorized on a case-by-case basis where such deviations do not undermine this Policy, such deviations should be rare, documented and justified. The standardized processes developed shall be designed to accomplish the following:
    - 3.1.1.1. Attract and hire talented individuals by providing hiring authorities with the tools to find, interview and select the best candidates.

- 3.1.1.2. Start the search process by looking within the College to see if the best candidate for a position is within the College, without requiring an external search. This will aid in the retention and development of existing employees.
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- 3.5. Human Resources shall be involved in all hiring, promotion and transfer decisions to assure consistency, fairness and compliance with law and policy.
- 3.6. All decisions related to hiring, transfer, or promotion must be compliant with policies on Equal Employment Opportunity, Nepotism, and any other applicable law or policy.

Colleagues,

Last week the Utah State Board of Regents approved R842 which governs, and in many cases prohibits, sexual conduct between college employees and students. This policy was enacted to comply with a couple bills that passed the Utah Legislature this year.

What the policy requires:

Here is what you need to know about the policy:

- \* All sexual conduct between special trust employees and subordinate students is prohibited.
- \* Sexual Conduct means any sexual relationship or sharing any sexually explicit or lewd communication, image or photograph.
  - \* Sharing sexually explicit or lewd communication, image or photograph does not include any communication, image, or photograph that faculty shares with students as part of a legitimate academic exercise, such as pedagogical requirements for health, science, or art courses.
  - \* Special Trust Employee means an employee of a higher education institution who is in a position of special trust, as defined in Section 76-5-404.1, with a higher education student.
  - \* The following employees at Snow College are in a position of special trust as defined in Section 76-5-404.1:
    - \* Athletic Managers
    - \* Coaches
    - \* Counselors
    - \* Advisors
    - \* Athletic Trainers
    - \* Instructors, Assistant Professors, Associate Professors, Professors
    - \* Teaching Assistants
    - \* Employer (Including supervisors and those with significant influence over student employees)
    - \* Recreational leader (including those who work in summer camps)
    - \* Any employee with religious leadership outside of the college
    - \* Any individual in a position of authority, other than those individuals listed above which enables the individual to exercise undue influence over the student
  - \* Subordinate Student means a student of a higher education institution whose educational opportunities could be adversely impacted by a special trust employee.
  - \* Any special trust employee who is currently engaging in sexual conduct with a subordinate student is required to immediately report the relationship to their direct supervisor or be subject to disciplinary action up to and including termination. Snow College will then take appropriate action
  - \* R842 is the policy of the college until we enact our own policy that adopts matching or more restrictive standards governing sexual relationships between special trust employees and subordinate students.

Implementation and Enforcement:

State law also requires us to implement and enforce this policy. That plan is as follows:

- \* Implementation:
  - \* This is now an official policy of the College effective immediately. Violations of this policy will subject you to discipline up to and including termination. If you have questions about what this means or what is prohibited please contact HR.

- \* HR will also provide in-person training in the following venues:
  - \* Immediate:
    - \* Faculty Assessment Days
    - \* Staff Department Meetings
  - \* Ongoing:
    - \* New Employee Orientation
    - \* Bi-annual sexual harassment trainings
- \* Enforcement:
  - \* Reports of sexual conduct with a subordinate student to an immediate supervisor, must be immediately reported by the supervisor to Human Resources for assistance in developing a plan to bring the employee's conduct into compliance with the policy.
  - \* The college will thoroughly investigate all reports of potential violations of this policy.
  - \* Discipline up-to and including termination will be administered if it is determined that a violation of this policy has occurred.
  - \* Enabling another employee to violate this policy may also be grounds for discipline.

If you have any questions about this policy or its training and enforcement, please let me know.

Finally, this is a policy enacted for the entire higher education system in Utah and sets minimum standards of behavior. But at Snow College we strive for a higher standard of conduct—employees at Snow College are expected to never exploit students. Your behavior should be in accord with the highest of ethical and moral behavioral standards.

Thanks,

Josh Hales  
Director of Human Resources



# R842, Restrictions on Faculty/Staff Relationships with Students

**R842-1. Purpose:** To prohibit USHE institution employees who hold positions of special trust from sexual conduct with subordinate students.

## R840-2. References

- 2.1. [Utah Code Section 63G-7-301](#)
- 2.2. [Utah Code Section 76-5-404.1](#)
- 2.2. [Regent Policy R121—Regent Functions](#)

## R842-3. Definitions

**3.1. “Educational Opportunities”** means a student’s admission to an institution or programs within an institution; receipt of financial aid; assessment of academic performance; placement in academic opportunities such as internships, assistantships; and graduation.

**3.2. “Sexual Conduct”** is any sexual relationship or sharing any sexually explicit or lewd communication, image, or photograph.

**3.2.1.** Sharing sexually explicit or lewd communication, image or photograph does not include any communication, image, or photograph that faculty shares with students as part of a legitimate academic exercise, such as pedagogical requirements for health, science, or art courses.

**3.3. “Special trust employee”** means an employee of a higher education institution who is in a position of special trust, as defined in Section 76-5-404.1, with a higher education student.

**3.4. “Subordinate student”** means a student of a higher education institution whose educational opportunities could be adversely impacted by a special trust employee.

## R842-4. Policy

**4.1.** Special trust employees shall not engage in sexual conduct with subordinate students.

**4.2.** All special trust employees who are engaging in sexual conduct with a subordinate student at the time of this policy’s effective date shall immediately disclose the relationship to their direct supervisors or be subject to disciplinary action up to and including termination. Institutions shall take appropriate action to bring the conduct into compliance with this policy.

**4.3.** Institutions may enact policies that adopt matching or more restrictive standards governing sexual relationships between special trust employees and subordinate students. Until an institution establishes a policy, this policy controls.