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Chapter I

GOVERNANCE MISSION & VISION STATEMENTS, ORGANIZATION CHARTS

1000 AMERICAN SAMOA COMMUNITY COLLEGE MISSION, VISION, GOAL(S), OBJECTIVES

American Samoa Community College statements such as: ASCC mission, vision, goals, and objectives shall be stated clearly by the Board of Higher Education as it pertains to the College services, impacts, benefits, outcomes, recipients, and their relative worth (what goods, for which needs, at what cost).

The college mission and vision statements are reviewed during the Board's annual planning meeting, may be amended or set aside; and new mission and vision statements may be introduced, included are new or amended policies will take effect immediately upon passage or at such date as may be designated by the Board.

The Board assesses the potential benefits of each end statement, identifies the intended recipients, and considers the cost of fulfilling the statement. Once the Board has reached its decision, staff and faculty members' responsibility is to adopt the most efficient and appropriate means for achieving the end statements. Board members regularly monitor and measure progress with regard to achievement of the following vision and mission statements:

Vision – The Board of Higher Education envisions the American Samoa Community College as the only U.S. Accredited education institution of higher learning in American Samoa and South Pacific region providing quality courses, programs, and services for its students, enabling them to meet the challenges of the 21st century. The College will adequately prepare its students who may wish to matriculate to colleges and universities off-island, join the labor market, or pursue any endeavor of choice.

Mission – The mission of the American Samoa Community College is to foster successful student learning by providing educational programs and services of high quality that will enable students to achieve their educational goals and to contribute to the social, cultural, political, economic, technological, and environmental well being of American Samoa.

To fulfill this mission, the College, as a United States accredited, open admissions, Land Grant institution, provides access to associate degree and certificate programs of study. These programs prepare students including those who are educationally underserved, challenged, or non-traditional for:

- transfer to institutions of higher learning;
- successful entry into the workforce;
- research and extension in human and natural resources; and
- awareness of Samoa and the Pacific.

1001 GOVERNANCE AND ORGANIZATION STRUCTURE

The concept "governance" refers to the College's structures and processes for decision making and communication. Decision-making involves all decisions - those relating to policy development, policy implementation, curriculum decisions, resource allocations, planning, evaluation, etc. Governance means institutional decision-making in its broadest sense.

Individuals of the College community are involved in governance in one or more of the following ways:

1. through the organizational structure;
2. by serving on or presenting information to a standing committee;
3. by serving on or working with advisory, ad hoc, and task force committees;
4. through the Faculty Senate;
5. by participating in staff meetings, and
6. through Student Government.

According to the Commission of College's Criteria for Accreditation, the organization of the College should bring together its various resources and allocate them effectively in order to accomplish College goals. These criteria also call for the organizational structure and the administrative processes of the College to be well-defined and understood by the entire College community. Governance provisions of ASCC exist to reflect acceptance of the criteria for accreditation as a basis for establishing an effective teaching, learning, and working environment in order to facilitate fulfillment of the College's purpose.

American Samoa Community College operates within the statutes, policies, and regulations set forth by the American Samoa Government, the College Board of Higher Education, and the Federal Government. Within these conditions, the President, as Chief Administrative Officer, is charged with the delegation of authority to various organizational systems and positions.

The President is granted the right of review and approval over all internal grievances and management decisions. He or she will explain the reversal or modification of internal governance and/or management decision except where in his or her judgment such decisions would be injurious to the College or individuals. In cases where management decisions are required in the absence of a policy, the management decision will prevail until an orderly means can be found to develop and implement appropriate policy.

The organizational structure of the College is designed to provide a system for coordination and problem solving. Communication is essential for effective problem solving. The skill and good faith of individuals who function within the College contribute to establishing a balance between problem solving and coordination efforts.

1002 ORGANIZATION CHARTS

It is the policy of ASCC to prepare and publish the ASCC organization and departmental charts for the purpose of communicating reporting relationships and functional responsibilities of its employees and more specifically of its management structure.

The Board and President shall have exclusive authority to approve and authorize the organization and associated charters.

Chapter II BOARD GOVERNANCE POLICY STATEMENTS

2000 GOVERNANCE COMMITMENT

A. The Board of Higher Education will govern American Samoa Community College according to the Constitution and laws of the Territory of American Samoa. The Board will always act in the best interest of the College and the Community as a whole.

B. The Board shall be committed to excellence and to the following values that will enhance the operational atmosphere of the College:

- Teamwork
- Open Communication
- Recognition
- Recognizing past for its influence of the present and the future
- Focus on the Future

2000.1 BOARD PURPOSE STATEMENT

“ The American Samoa Community College Board of Higher Education will develop a vision, establish a set of goals, define outcomes, and liaison with ASCC’s students, customers and the community. The Board shall ensure that the College is effectively managed and supports an environment whereby the College will achieve its mission.”

2001 GOVERNANCE STYLE

The Board will govern with a style that emphasizes:

- Outward vision rather than an internal preoccupation.
- Encouragement of diversity in viewpoints.
- Strategic leadership rather than administrative detail.
- Clear distinction of the Board and ASCC President’s roles.
- Collective rather than individual decisions.
- Future rather than past or present.
- Proactive rather than reactive.

2002 BOARD OF HIGHER EDUCATION CODE OF CONDUCT

Board members’ shall conduct itself with proper authority and appropriate decorum as an individual or group when serving in the capacity of a Board member.

2002.2 INDEMNIFICATION OF BOARD MEMBERS

The College shall indemnify and protect Board members against death, bodily injury, property damage claims, suits, including defense thereof, when damages are sought for alleged negligent or wrongful acts while such Board member is acting under the direction of the Board of Higher Education.

2003 ELIGIBILITY AND REQUIREMENTS OF A BOARD MEMBER

In accordance ASG Public 22-30, individuals selected to be members of the Board of Higher Education for the American Samoa Community College shall consists of the Director of Education and seven (7) members, six (6) of whom are appointed by the Governor with the advice and consent of the legislature. The Board members' shall serve without compensation or other emoluments.

2003.1 BOARD MEMBERSHIP

In accordance with ASG Public Law 22-30, the Board shall consist of six (6) members appointed by the Governor of American Samoa and confirmed by the Legislature. The Director of the Department of the Education shall be an ex-officio member with voting rights. A student selected as Board member shall be a 2nd year student elected at a school wide election during the first week of school. This member shall serve a one-year term and may be reelected. Vacancies are filled by an election held within 1 week of the knowledge of a vacancy.

2003.2 BOARD MEMBERS TERMS

To provide continuity in the work of the Board, the term of office of six members of the Board shall be for four (4) years and shall be so arranged as not to expire at the same time. Members shall serve until their successors have been qualified. Vacancies shall be filled in the same manner as original appointments as referenced in ASG Public Law 22-30.

2003.3 BOARD OFFICERS

A Board member must be in good standing with the Board to hold a Board Officer position. All Board members shall cast a vote to select the Board officers at the Annual Meeting of the Board, or when a situation that creates a vacancy to the following positions:

- A. Chairman of the Board
- B. Vice Chairman
- C. Secretary
- D. Treasurer

All Board officers shall serve a term of two years.

2003.4 EXCLUSIONS

Per the new eligibility requirements adopted by WASC, as of June 1995, the following exclusions are mandatory:

- A. A member of the Board shall not be an instructor, or current employee of the college,
- B. A member shall not have family or personal financial interest in the institution; and

C. Previously or currently been convicted of a felony.

2003.5 VACANCY

Any vacancy caused by resignation, death or otherwise shall be filled for the period of the unexpired term in the same manner as that followed in the original appointment. The successor must meet the same qualification requirements as the prior incumbent.

2003.6 RESIGNATION

A Board member may resign at any time by providing a formal letter of resignation to the Chairperson of the Board and a copy to the Governor. After a gubernatorial election no “courtesy resignations” shall be submitted by any Board member.

2003.7 REMOVAL

A. A member of the Board shall be censured if he/she has three consecutive unexcused absences.

B. A member of the Board may be censured before expiration of his/her term for incompetence, neglect of duty, or malfeasance only by a vote of three fourths of the Board members serving.

2004 AUTHORITY AND FUNCTIONS OF THE BOARD, COMMITTEES, AND MEMBERS

The Board, within the limits imposed by Public Law 22-30 has complete and full control of the American Samoa Community College (ASCC). The Board has final authority to formulate, interpret and approve the policies that governs the college. It is the Board’s job to represent the community in determining the appropriate College performance, and to direct the duties of the President.

The written policies adopted by the Board shall serve as authority for implementation of Board decisions and actions by the College administration.

2004.1 AUTHORITY OF BOARD COMMITTEES

Committees may be created by the Board or appointed by the Chairperson to advise the Board and to facilitate the efficient operation of the Board. The Board is not bound by the action of a Board Committee or any of its individual members. It will operate with minimal interference to the Board as a whole, and will not interfere with delegation of authority from the Board to the President. The Board Committees may conduct business based on the principles established by Board actions whether or not committees include non-board members, and not under committees formed by ASCC President. Committees shall make recommendations to the Board for appropriate action and shall be dissolved when its report is received by the Board. Board committees shall:

A. Assist the Board to perform its job through preparation of policy alternatives and implications for Board deliberation;

B. Not act or speak for the Board except when formally given such authority for specific and time-limited purposes. Expectations and authority will be carefully stated in order not to conflict with authority delegated to the President;

- C. Not provide the President with approval, unless it is through the Board as a whole;
- D. Avoid representation of the College in part rather than with the whole (e.g. Board committee selected by the Board to create a policy, will not monitor the performance of the College and the President on the same policy;
- E. Not have standing committees; and
- F. Act as a committee of the whole and establish ad-hoc committees when appropriate.

2004.2 AUTHORITY OF BOARD MEMBERS

A member of the Board has no authority except when in an official meeting or except when acting with official authorization of the Board.

2004.3 CHAIRPERSON'S ROLE AND AUTHORITY

The Chairperson is responsible for the integrity of the Board's process and occasional representation of the Board to the community. The chairperson is the only authorized spokesperson for the Board (beyond simply reporting Board decisions) other than in rare and specifically authorized instances. The Chairperson shall:

- A. Ensure the board and its members act consistently within the Board rules and policies and those legitimately imposed upon the Board from the community;
- B. Preside at the Board meetings in an efficient and effective manner and shall set the general tone for each meeting through positive leadership;
- C. Discuss at the Board meetings those issues, per the Board policy, belongs to the Board to decide, not the President;
- D. Stimulate Board discussions with the attempt to arrive at a consensus by all Board members on issues presented.
- E. Shall consist of making decisions that are in the purview or topics covered by Board policies on governance, process and board/staff relationship, except where the Board specifically delegates portions of this authority to others.
- F. The Chairperson shall have no authority on his/her own to make decisions about policies created by the Board within the Mission and Executive Limitations policy areas, and on his/her own supervise or direct the duties of the President.
- G. In the absences of the Chairperson, duties and responsibilities will be transferred to the Vice Chairperson as "Acting".
- H. In the absence of both the Chair and Vice Chair, other members of the Board shall elect a chairperson pro tempore from within the Board membership to service in this capacity until the return of either the Chair/Vice Chairperson.

I. If the office of the Chairman becomes vacant due to death, disability, resignation, recall or removal by due process, the Vice Chairman shall assume the office for its unexpired term. The Board shall elect the Chairman and Vice Chairman in the next annual meeting.

2005 ESTABLISHMENT OF BOARD AND COLLEGE POLICIES

Written policies shall constitute the basic method by which the Board effectively discharge its responsibilities with regard to policies, rules and regulations as defined by law or which are required in its judgment for the effective operation of the College. All policies shall be written, defined, and based on ASCC's mission, vision, values, goals and objectives with a thorough understanding and appreciation of the needs of the College. The Board adopts policies; the College President guides the development and implementation of administrative procedures, which do not require Board approval.

A. Policy Initiation, Development and Review: Policies shall be reviewed by the Board as necessary for the operation of the college. Policies and policy changes may be suggested by Board members, the President, faculty, staff, students, and citizens within the community.

B. Repeal and Amendment: Through the adoption of these policies, all previously adopted policies may be repealed or amended and be of no force or effect if in conflict with other adopted policies. Any amendment of or addition to these policies shall supersede any previous policies.

C. Official Policy Manual: The Board shall designate responsibility to the President the official policy manual for the College. The official copy shall be kept in the President's office, and the President or designee shall be responsible for its accuracy and currency. If discrepancies occur between different copies of the manual distributed throughout the College, the version contained in the official policy manual shall be regarded as the authoritative. All revisions shall be approved by the Board.

D. Harmony with Law: No policy or regulation, nor any portion thereof, shall be operative if it is found to be in conflict with applicable law.

2006 BOARD BUSINESS

The Board shall delegate in writing "by direction" full authority to the President to conduct the businesses of the College.

2006.1 CONTRACTS

The Board may authorize the President, *any officers, agent or agents* to enter into any contracts on behalf of the Board in writing unless otherwise designated. These contracts at a minimum include personnel renewal contract and contracts to be funded at \$25,000 and more.

2006.2 LOANS

No loans shall be contracted on behalf of ASCC and no evidence of indebtedness shall be issued in its name unless authorized by a resolution of the Board. Such authority may be general or confined to specific instances.

2006.3 CHECKS, DRAFTS, PETTY CASH, ETC.

All checks, drafts or other orders for the payment of money, notes or other evidence of indebtedness issued in the name of ASCC, shall be signed by personnel authorized by ASCC and from time to time be determined by resolution of the Board.

2006.4 DEPOSITS

All funds of ASCC not otherwise employed shall be deposited daily (Monday to Friday unless situation does not permit) to credit of ASCC in such banks, savings and loan, or other depositories as the Board may select.

2006.5 GIFTS

The Board may accept on behalf of the College any contribution, gift, donation, bequest, devise or grant for any purpose of the College.

2006.6 FEDERAL GRANTS

A. All funds which are received from Federal grants shall be approved by the President and controlled per the procedures established by the grantor agency.

B. The President of the College shall report to the Board grant status, which shall consist of documents including supporting documents to the same from time to time as required by the Board of Higher Education.

2006.7 RECORDS

The College shall keep correct and complete books and records of accounts and shall also keep minutes of the proceedings of the Board.

2006.8 FISCAL YEAR

The fiscal year of the institution shall begin on the first day of October of each year and end September 30th.

2006.9 ACADEMIC YEAR

The academic year is defined as two consecutive sixteen (16) week semesters (fall and spring).

2007 BOARD PLANNING AND AGENDA

The Board will carry out its planning and agenda using governance style noted in Policy # 2001 and consistent with other appropriate Board policies.

2008 MEETINGS

Board meetings constitute any deliberation between a two-thirds quorum of Board members, or between a quorum of Board members and any other person, during which public business or public policy over which the Board has supervision or control is discussed or considered, or during which the Board takes any formal action.

2008.2 TYPES OF BOARD MEETINGS

Meetings of the Board shall be open to the public, except when personnel matters affecting the privacy of an individual or other confidential matter are being considered during an executive session. Public refers to any college personnel with a need to know in reference to this policy.

A. Meetings Open to the Public:

1. *Regular*. Regular meetings of the Board shall be held on the third Friday of every March, June, September, and December at a time and place to be designated by the Chairman of the Board or upon motion duly approved by the Board.

2. *Special*. Special meetings may be held upon call by the Chairman of the Board or when requested by four (4) members of the Board. The request for a special meeting shall set out the subject or subjects to be considered at the special meeting. The request shall be made to either the Chairman of the Board or the President of the College. A notice shall be mailed out 48 hours before the meeting or personally delivered 24 hours prior thereto. The notice shall state the time, place and purpose.

3. *Emergency*. Emergency meetings, upon 2 hours notice, may be called in the same manner as a special meeting. Any request for an emergency meeting shall clearly identify the emergency or urgent public necessity. Cases of emergency and urgent public necessity are limited to imminent threats to public health and safety or reasonably unforeseeable situation requiring immediate action by the Board.

4. *Study Sessions*. The Board may schedule study sessions to review matters that cannot be handled in the time allocated to regular Board meetings. No action shall be taken at a meeting that is designated a study session.

B. *Executive Session* – Executive sessions of the Board, closed to all persons other than those specifically permitted by the Board, may be held in connection with any meeting. Only those subjects permitted will be considered in closed meetings shall be considered in executive sessions.

C. The holding of any meeting may be waived or its date or time may be changed by a motion duly approved by Board members.

2009 ORDER OF MEETINGS

The Board and the College as a whole will conduct their meetings per the parliamentary procedures. Unless otherwise provided by law or bylaws or policies of the Board, the Board shall conduct its meeting to the extent practical in accordance with *Roberts Rules of Order*. The failure to strictly

follow Robert's Rules of Order shall not act to invalidate any action of the Board for which a quorum was present otherwise held per the law.

2009.1 PASSING RESOLUTIONS OR ORDERS

No action shall be taken by the Board without a motion. No action shall be taken by the Board except by affirmative vote of a majority of a quorum. Each Board member exercises one vote.

2009.2 METHOD OF VOTING

Votes by all members of the Board may be made orally or by show of hands. Members of the Board shall cast their votes by a roll call on any issue involving the expending of funds, and on the hiring of the President. All other issues may be voted upon by voice vote. Upon request of a member, the vote shall be by show of hands or otherwise agreed upon by the board as a whole.

2009.3 ADEQUATE INFORMATION TO PRECEDE ACTION

The Board shall take every precaution to assure itself of full and adequate information prior to action. The President shall be given an opportunity to examine and evaluate all information received by the Board from any source and to recommend action before the Board makes any decision.

2009.4 PUBLIC PARTICIPATION

A. Board meetings are held to transact the business of the College and are open to the public except when executive sessions are permitted by law. Members of the public (including employees and students) having concerns relating to the College may request that their concerns be added to the agenda. To be placed on the agenda, the applicant may be made in writing through the President's Office at a minimum of seven (7) days prior to the scheduled meeting. In addition, the Board shall designate a portion of its regular monthly meeting to hear comments from individuals who have not requested a place on the agenda. Persons who wish to participate in this portion of the meeting shall sign up prior to the start of the meeting, and indicate the topic about which they wish to speak.

B. Public participation is limited to those persons who have requested and been placed on the agenda to those persons who have otherwise been specifically invited by the Board to make comments concerning items on the agenda, and to that portion of the meeting designated for public comments. At all other times during Board meetings, the audience shall not enter into discussions or debate on matters being considered by the Board.

C. No public presentation shall exceed five (5) minutes. Delegations of more than five (5) persons shall appoint one person to present their views to the Board.

2009.5 PUBLIC COMMENTS

The following provisions shall apply in the preparation of Board Agendas and the transaction of official business at Board meetings:

A. Regular meetings of the Board shall be held in public for the conduct of the public business. It is not a public hearing unless so designated by the Board.

B. Groups and individuals may appear before the Board to present their views or to make proposals for consideration by the Board. To be placed on the agenda, application must be made in writing through the President's Office at least seven (7) days prior to the scheduled meeting.

C. Discussion before the Board shall be limited to five (5) minutes per individual and fifteen (15) minutes per delegation unless waived by a majority of the Board.

D. Time limitations shall not preclude the Board from requesting specific reports from anyone attending the Board meeting and having information desired by the Board pertaining to a specific topic under discussion.

2009.6 BOARD'S RESPONSE TO PUBLIC COMMENT

Specific factual information or recitation of existing policy may be furnished in response to public inquiries, but the board may not deliberate, discuss, or make any decision on any subject not on the agenda.

2009.7 RECORDING

All or any part of the proceedings in any open meeting may be recorded by any person in attendance by means of a tape recorder, video camera, or any other means of visual reproduction. The disclosure of information regarding executive sessions is limited by policy #2008.2B herein. The Board may impose reasonable rules to maintain order at the meeting, including rules relating to the location of any recording equipment and the manner in which the recording is conducted. Such rules shall not have the effect of preventing or unreasonably impairing camera coverage or tape recording.

2009.8 MEETINGS BY VIDEO OR TELEPHONE CONFERENCE CALL

The Board may hold a meeting by telephone conference call:

- A. If the meeting is a special called meeting and immediate action is required; and
- B. The convening at one location of a quorum of the governing board is difficult or impossible. A meeting by telephone conference call is subject to the notice requirements applicable to other motions.

2009.9 ORDER OF BUSINESS

At all regular meetings of the Board, the order of business shall be as follows:

- A. Call to Order and Roll Call
- B. Communications.

2010 BOARD ORIENTATION AND TRAINING

An annual workshop will be conducted to address the training needs of the Board members. Topics include, but are not limited to: community college history and philosophy; governance, ethics, legal issues, accreditation; finance, audits, legislative relations; planning (strategic, short-term, and long-range); evaluations (Board, President, institution and educational programs); Board policies and bylaws;

Boardman ship; state and national trends on education, social, and technological issues; and American Samoa government operations (executive and legislative branches).

2010.1 ORIENTATION FOR NEW MEMBERS

The Board and the President shall provide an orientation for new Board members within the calendar year of their initial election to assist them in understanding the Board’s function, policies, and procedures. Assistance is given in the orientation of new members may include the following, as appropriate or available:

- A. Selected materials on the responsibilities of being a contributing member of the Board. Provide the members with a “How to Be an Effective Board Member”.
- B. Material pertinent to meetings and explanation of its use.
- C. Invitations to meet with the President and other administrative personnel designated by the President to discuss services the administration performs for the Board.
- D. A review of the Board’s policies and administrative regulations and other documents and information currently in use by other members.
- E. Information regarding appropriate meetings and workshops.
- F. A formal orientation on legal and budgetary oversight responsibilities of the Board.
- G. Other information and activities as the Board or the President deem useful in fulfilling the role of Board members.

2011 POSITION ON LEGISLATIVE MATTERS

The Board shall refrain from taking any position either for or against any local or federal legislative concern unless that concern is of special interest to the welfare of the College. Any such position shall be taken only by official vote of the Board in a regular or special meeting.

2012 LEGAL COUNSEL

The Board shall designate an attorney(s) to serve in the capacity of legal counsel for the College and represent and advise the Board in all legal matters affecting or potentially affecting the Board or the American Samoa Community College (ASCC).

2013 RELATIONSHIP BETWEEN BOARD AND THE PRESIDENT OF THE COLLEGE

It is important that the Board maintain a harmonious and respectful relationship with the College President and staff or faculty members. In view of the vital nature of this relationship, the following guidelines are adopted for this Board and President. The Board and President recognize:

A. Teamwork is a necessity. Individual prestige and possible gain must be subordinate to the general welfare of the College and its students. A clear delineation of function between the Board and the President to uphold:

B. Tolerance for differences of opinion among Board members and between the President, and willingness to resolve such differences objectively, must be clearly and continuously displayed.

C. The President shall keep the Board well-informed on programs, plans and progress through staff/faculty member's reports and other means of choice.

2014

**RELATIONSHIP BETWEEN THE BOARD AND THE COMMUNITY OR
GOVERNMENT**

The Board will delegate to the President to develop a plan focused in establishing relationships or partnership with the community and the government through programs in the following areas:

- A. Training of both the government workforce; and
- B. Development of Community Resources.

2015

PERSONNEL APPEAL TO THE BOARD

The Board and its employees have the same ultimate aim of providing the best possible postsecondary educational opportunity for the students of American Samoa Community College. To that end, relationships should be maintained between the college and its employees, which are based on common interest and mutual trust. In the event a disagreement occurs between an employee and his/her supervisor or among employees, the Board the President to implement procedures necessary to resolve such disputes and disagreements.

In addition, the Board authorizes the President to implement procedures for the appeal of suspension, dismissals and such other decisions of the president which the Board, at its discretion, may wish to review.

Chapter III

ADMINISTRATIVE GOVERNANCE POLICY STATEMENTS

3000 DELEGATION TO THE PRESIDENT

The Board of Higher Education's authority to the overall operations of the college is delegated through the President. All authority and accountability of the staff/faculty members as defined by the Board is considered to be the authority and accountability of the President. The Board delegates to the President of the College the function to implement policy decisions and to designate the detailed arrangements under which the College will be operated.

3001 PRESIDENT OF THE COLLEGE

The President is the chief executive officer of the College and serves as the ex-officio member to the Board. The President is the Board's single official link to the operations of the College. The Board hires the President to administer the College and to issue rules, procedures, and guidelines necessary to implement the Board's policies for governance of the College, consistent with all applicable laws. The Board will instruct and delegate to the President through written and verbal the implementation of its policies. The President may recommend policies or changes in policies to the Board. The President's performance will be considered synonymous with the College's performance as a whole. The President shall uphold moral standard befitting a person of this position.

3001.1 QUALIFICATIONS OF THE PRESIDENT

A. The minimum qualifications to be considered the President shall have a Master's in Education, or related field from a U.S. accredited institution, with a minimum of 10 years executive level administrative experience and management in higher education or within an organization/corporation. Must have demonstrated strong quality of interpersonal and leadership skills, and the ability to work effectively with all aspects of the college internal and external community.

B. Preferred qualifications, the candidate must have earned a Doctoral degree from a regionally accredited university with a minimum of 5 years executive level administrative and management experience in higher education, preferably at a community college, as well as demonstrated quality of interpersonal and leadership skills, and the ability to work effectively with all aspects of the college internal and external community.

3001.2 COLLEGE GOALS

College goals are mutually agreed upon between the Board and the President, and the President is charged with developing an action plan for implementation of goals. The goals will be reviewed quarterly by the Board to ensure status and level of accomplishment.

3001.3 CONTRACT FOR THE PRESIDENT

A contract of employment with the college creates a property interest in employment only for the period of time stated in the contract. Currently, the President's contract term is 2 years, such a contract creates no property interest of any kind beyond the period of time stated in the contract.

3001.4 EVALUATION OF THE PRESIDENT

Annually, the Board meets in an executive session to conduct a performance evaluation of the President. However, a formative evaluation may be conducted as the Board desires within 6 months of in to the contract. In reviewing the accomplishments, the Board provides feedback to the President on observed strengths and any areas needing improvement for the upcoming academic year. (see also, Policy # 3002, Monitoring the President's Performance).

3001.5 SALARY

The Board approves the President's annual salary and benefits program, which are forwarded to department of Human Resources for payroll processing.

3001.6 RETIREMENT/RESIGNATION OF THE PRESIDENT

The President may resign or retire at any time mutually agreeable with the Board. The President must provide the Board with a letter of resignation or retirement within 30 days before the effective date of resignation or retirement.

3001.7 NON-RENEWAL OF CONTRACT

The Board may decide by vote or inaction not to offer the President further employment with the college beyond the term of the contract for any reason or no reason.

3001.8 DISMISSAL

The President may be dismissed for good cause before the completion of term fixed in the contract.

A. Notice. Before the President is dismissed, the President shall be given reasonable notice in writing of the proposed action and the grounds, set out in sufficient detail to fairly enable the President to show any error that may exist.

B. Hearing. If, upon written notification, the President desires to be heard and contest the proposed action of the Board, the President shall give the Board written notice. The hearing shall be set on a date that affords the President reasonable time to prepare an adequate defense.

1. The Board may conduct the hearing in open session or in closed session unless the President requests a public hearing, in which case the hearing shall be open to the public.

2. At the hearing before the Board, the President may employ counsel. The President also has the right to hear the evidence upon which the charges are based, to cross-examine all adverse witnesses, and to present evidence of innocence or extenuating circumstances. Prior to dismissal, the Board shall determine the existence of good cause for termination. Such determination shall be based solely on the evidence presented in the hearing. If the hearing resulted in a violation or criminal act by the President, ASCC will not be obligated to pay the fee of the legal counsel.

3001.9 SUSPENSION OF THE PRESIDENT

The President may be suspended with pay pending the outcome of the dismissal hearing.

3002 MONITORING THE PRESIDENT'S PERFORMANCE

Monitoring executive performance is synonymous with monitoring the College's performance against Board policies Mission & Vision, and on Executive Limitations. The Board will monitor performance in a manner as to have systematic assurance of policy compliance, including accomplishments of college goals. The Board shall conduct an evaluation of the President each academic year or at any time of the Board deems appropriate.

3002.2 INTERNAL AND EXTERNAL MONITORING REPORTS

A given policy may be monitored in one or more of three ways:

A. Internal Reports – May include but not limited to: Disclosure of compliance information to the Board from the President. Internal reports include:

- Institutional Data Collection
- Community Surveys
- Placement Data
- Assessment of Student Learning Outcomes
- Financial/Grant Reports

B. External Reports – Disclosure of compliance information by an External auditor or other persons or entities external to the institution. External reports may include but not limited to:

- Audit Reports
- Licensing Examination Results
- Accreditation Reports
- Accountability Data

3002.3 DIRECT BOARD INSPECTION

A. The President shall conduct an inspection of documents, activities or circumstances directed by the Board which allows a test of policy compliance and the discovery of compliance information by a Board member, a committee or the Board as a whole.

B. Policies may be monitored by any method at any time, except each ASCC Mission, Vision, and Executive Limitations policy will be monitored by the Board at regularly scheduled times pursuant to and agreed method.

3003 DEVELOPING, RECOMMENDING, AND IMPLEMENTING APPROVED COLLEGE POLICY

The Board has the responsibility of formulating policy for the operation of the College (see Policy # 2005, Board Policies).

A. As the Chief Executive Officer of the College, the President is charged with the duties and responsibilities of developing, revising, recommending to the Board, and implementing college policy.

- B. Before developing and implementing policy, the President will seek advice and recommendations through the administrative structure where such policies have an impact.
- C. When a policy evolves from federal law, ASG laws, or agency regulations, the policy must also be reviewed by the College designated legal counsel.
- D. The President may develop and approve department rules and regulations that aligns with college policies to ensure effectiveness of college operations.

3004 GENERAL EXECUTIVE CONSTRAINTS

The President shall not cause or allow any practice, activity, decisions or organizational circumstances that can be construed as illegal, imprudent, or violating local and federal statutes and commonly accepted business and professional ethics. In addition, the President may include but not limited to:

- A. Deal with students, staff, or persons from the community in an inhuman, unfair or undignified manner;
- B. Permit financial conditions, which create financial risk and jeopardize or comprise Board priorities;
- C. Provide information and advice to the Board which is untimely, incomplete or inaccurate;
- D. Permit conflict of interest in awarding purchases or other contracts or hiring of employees;
- E. Allow the day-to-day operations to impede the vision or prevent the achievement of the Ends of the institution;
- F. Manage the College without adequate administrative policies for matters involving finances, staff, students, facilities, and College services; and
- G. Engage in conduct that may embarrass the College or adversely affect his/her performance.

3005 PEOPLE TREATMENT

With respect to treatment of all students, staff, volunteers, vendors, and citizens, the President may not cause or allow any practice that is inhumane, unfair, undignified, illegal, unsafe, disrespectful or unnecessarily intrusive. In addition, the President may include but not limited to:

- A. Operate without policies and/or procedures which set forth employee and student rules, provide for effective handling of grievances, ensure due process, and protect against wrongful actions against or by employees or students.
- B. Fail to comply with all local and applicable Federal laws pertaining to employees and students including those pertaining to discrimination and equal employment opportunity.
- C. Prevent students and staff from using established grievance procedures.
- D. Fail to acquaint students and staff with their rights and responsibilities.

E. Fail to take prompt and appropriate action when the President becomes aware of any violation of local laws or applicable Federal laws, or Board policies.

3006 COMPENSATION AND BENEFITS

The President must comply with local laws and rules governing employee ethics and conduct adopted by ASCC. The President may not jeopardize the College's fiscal integrity or public image with respect to employment. In addition, the President may include but not limited to:

- A. Change his/her own compensation or benefits.
- B. Provide for or change the compensation and benefits of other employees except per the salary schedules and plans adopted by the Board.
- C. Promise or imply permanent or guaranteed employment.
- D. Grant fringe benefits not approved by the Board.

3007 BUDGETING AND FORECASTING

Budgeting for any fiscal year or the remaining part of any fiscal year shall not deviate materially from Board priorities, risk fiscal jeopardy or be unrealistic in projections of income and expenses. No budget will become effective until approved by the Board. In addition, the President may include but not limited:

- A. Propose a budget without information to enable accurate projection of revenues and expenses, separation of capital and operational items, cash flow, and disclosure of planning assumptions.
- B. Plan the expenditure in any fiscal year of more funds than are conservatively projected to be received during that year.
- C. Propose a budget which does not provide the annual operating funds for Board prerogatives, such as costs of fiscal audit, Board development and training and Board professional fees.
- D. Propose a budget which does not have a broad base input.
- E. Propose a budget which fails to take into account Board priorities.
- F. Propose a budget which fails to include adequate amounts of plants and facilities maintenance, instructional equipment, new program and course development, staff development, and institutional research.

3008 FINANCIAL CONDITION

The President may not cause or allow the development of fiscal jeopardy or a material deviation from the Board approved budget. In addition, the President may but not limited to:

- A. Expend more funds than appropriated by the Legislature.

- B. Commit the College in an amount greater than can be repaid by otherwise unencumbered revenues within the current fiscal year.
- C. Expend funds from restricted or designated accounts except for the purposes for which the account was established.
- D. Fail to provide a monthly report of the College's current financial condition.
- E. Make any purchase:
 - 1. Without prudent protection against conflict of interest;
 - 2. Not according to the American Samoa Government Procurement Rules; and
 - 3. Not made except on the basis of cost and quality.
- F. Accept gifts or grants without Board approval which obligates the College to make future expenditures with funds other than those created by the gift or grant or which are not in the best interest of the College.

3009 COLLEGE ASSETS

The President shall assure that assets are protected, adequately maintained and not unnecessarily risked. In addition, the President may include but not limited:

- A. Insure against theft and casualty losses in amounts consistent with replacement values or against liability losses to Board members, staff or the College in amounts consistent with limits of coverage obtained by comparable 2-year College.
- B. Allow only bonded personnel access to more than \$1000.00 in funds.
- C. Not permit plant and equipment to be subjected to improper wear and tear or inadequate maintenance.
- D. Not expose the College, the Board and staff to claims or liability.
- E. Receive, process or disburse funds under controls which are sufficient to meet the auditor's standards.
- F. Invest funds in non-interest bearing accounts or in investment as permitted by American Samoa statutes. Furthermore, no investment shall be made without compliance with, in order of priority, and the following objectives:
 - 1. Safety of the principal;
 - 2. Maintenance of sufficient liquidity to meet immediate payment requirements;
 - 3. Obtain the highest possible rate of return consistent with safety of principal and liquidity;

4. Local financial institutions should receive favorable consideration where (a) and (c) are equal.

G. Acquire, encumber or dispose of real property valued at \$5,000 and amount that exceeds requires prior Board approval

H. Protect property, information and files from improper use, loss or damage.

3010 COMMUNICATION AND COUNSEL TO THE BOARD

The President shall inform the Board regarding relevant trends, media coverage or political consequences to the College or its interest. Accordingly, the President may include but not limited to:

A. Submit monitoring data required by the Board (Board-Staff Relationship, under Monitoring President's Performance) in a timely, accurate and understandable fashion, directly addressing provisions of the Board policies being monitored.

B. Make the Board aware of relevant trends, anticipated adverse media coverage, actual or anticipated legal actions, or material external and internal changes, particularly changes in the assumptions upon which any Board policy has previously been established.

C. Advise the Board if, in the President's opinion, the Board is not in compliance with its own policies on Governance Process and Board Staff Relationship, particularly in the case of Board behavior which is detrimental to the working relationship between the Board and the President.

D. Present information in simple, concise, accurate and complete form.

E. Provide a mechanism for official board, officer or committee communications.

F. Interact with the Board as a whole on matters within the area of Board responsibility except when fulfilling or making individual requests for information or responding to officers or committees duly charged by the Board.

G. Report in a timely manner an actual or anticipated non-compliance with any policy of the Board.

3011 REPORTS MANAGEMENT

All reports generated by ASCC will be assigned a report control number that will assist in tracking the report, and the due date to ensure efficient response to the requestor (ASG, Board, and agencies external of the College) on a one-time, recurring, or specific situation reporting of information. Each department responsible for a report will conduct a report analysis to develop a reporting format that standardizes the data, and effectively captures the required information.

The President's shall develop a reports management program, and designate a Reports Control Officer to review and process existing and proposed reports, reporting systems, and related directive to complete the report.

A. It shall be the responsibility of the President to designate in writing a Reports Control Officer, who is responsible for implementing the Reports Management Program.

B. It shall be the responsibility of the Reports Control Officer to:

1. Review reports for conformance with reporting standards;
2. Approve reports by assigning a report control symbol or citing exemption authority;
3. Conduct periodic review of individual reports; and
4. Maintain reports and prepare follow-up procedures.

3013 RECORDS MANAGEMENT

ASCC is committed to meeting its administrative, fiscal, legal, and historical obligations by systematically managing the records created in the course of the College's academic and administrative operations. The management of records includes appropriate practices for organizing those records, effective archiving of those records determined to have permanent or enduring value, and proper destruction of those records deemed to have no permanent or enduring value once operational needs have been met and no legal considerations require retention.

3013.1 ARCHIVES

A. For the purposes of this policy records are defined as documents, regardless of format, produced or received by any department, officer or employee of the college in the conduct of its business.

Documents include all forms of recorded information, such as :

- Correspondence
- Files
- Financial statements
- Manuscripts
- Publications
- Electronic data and files
- All and any other material bearing upon the activities and functions of the college, its officers and employees

Not included in the definition of records as used in this policy are :

- Faculty research notes
- Library material made or acquired for reference
- Duplicate copies of publications
- Duplicate copies of documents

B. Records produced or received by any department or employee of the college in the transaction of ASCC business becomes college property and subject to college policy for retention or disposal, access, and publication. Records produced or received by faculty in administrative and ASCC committee service capacities are college records and subject to this policy.

C. No college records shall be discarded, destroyed or transferred from the custody of ASCC except upon the finding and recommendation of the administrative unit involved that such records have no further administrative, legal or accounting value .

D. ASCC Archives is the depository for records having research or historical value. The ASCC Archives also includes professional and personal manuscripts of members of the academic and administrative staffs and records of faculty and student organizations that may be given to the college for preservation and use.

E. The Vice President of Administrative Services/Finances or designee is responsible for collecting, preserving and providing access to historical materials that include, but are not limited to, the following formats : artifacts; art ; prints; scrapbooks; audiovisual materials documenting the development of ASCC such as still photographs and negatives, motion picture films, oral history interviews and video or audio tapes; maps ; and architectural prints and plans documenting ASCC's growth and development

3014 FORMS MANAGEMENT

Information is vital to the success of ASCC and provides the basis for management decisions. The President of the college has overall responsibility for the management of forms used in the College. ASCC's forms management program shall be established by the President to ensure that each form provides the needed information effectively, efficiently and economically. Each form developed by any department or person must satisfy current needs or known future requirements of the College. Any form generated within ASCC must have a form number assigned. Any form created without an assigned form number or registered is prohibited.

3015 GRANTS MANAGEMENT

It shall be the President's overall responsibility to ensure the grants received by ASCC are managed appropriately per the terms and conditions of the grant in the each program area.

3016 OFFICIAL TRAVEL

All college official travel shall be properly authorized based on the availability of funds by the President. If approval is not obtained before departure, travelers shall be liable for the expenses incurred. Travel shall be reported in writing after every official trip, and reimbursed in accordance with the procedures of this policy. Personal travel is not to be charged to, or temporarily funded by, the College. When an employee travels under the sponsorship of another organization, travel expenses shall not be charged to the ASCC account.

3016.1 EXCEPTIONS TO TRAVEL

Under extenuating circumstances, the President of the College or designated authority may approve exceptions to travel policy. The exception must specify the circumstances or need, dates of travel, and the name of the individual to whom the exception is granted. When approved, the reimbursement is limited to the actual costs incurred and must be supported by receipts.

3017 HEALTH AND SAFETY PROGRAM

ASCC shall endeavor to provide and maintain safe and healthful working conditions, and to follow operating practices and procedures which provide safe working conditions and efficient operation. Accident prevention and efficient production go hand in hand. It shall be the primary responsibility of all levels of ASCC management to enforce safety procedures to safeguards its employees and clients. Safe practices on the part of all employees must be part of all operations.

3017.1 EMERGENCY SITUATION S

In the event of an emergency on the campus of ASCC, the execution of pre-determined plans and procedures for orderly and expeditious campus evacuation and rapid communications can materially assist in the protection of property and, most importantly, the saving of lives.

The President shall establish administrative procedures and plans of action to enable the faculty, staff, and students to respond appropriately during emergency situations. These procedures shall then become a component of the Emergency Response Plan.

3018 INCENTIVE AWARDS PROGRAM

The Incentive Awards Program is designed to motivate employees of the college to increase productivity by recognizing creativity in the workplace and by rewarding employees as soon as possible after contributions is made. Department leadership and management, and reviewing officials are encouraged to use incentive awards as a key instrument in employee motivation and to ensure that awards are deserved and appropriate to the accomplishments of college mission.

3019 SUPPORT SERVICES

In support of the overall mission of the College, the President and its staff shall establish services that will effectively provide for a successful operation in all aspects of its organization. These services must be readily available to serve the students and staff/faculty members as required.

The college offers but not limited to the following services:

Services	Department
• Finances and Grants Management	Finance
• Personnel Employment, Records Management	Human Resources
• Purchasing and Property Management	Procurement (Business)
• Facilities Maintenance, Operation and Construction	Site Facilities
• Planning and Research	Instructional Affairs
• Printing, Copying, and Duplicating	Management and Information Systems
• Central Office Secretarial Pool	Human Resources
• Bookstore	Finance
• Cafeteria	Finance
• Financial Aids	Student Services
• Student Records	Student Services

- | | |
|---|------------------------------------|
| • Student Orientation, Registration, Counseling | Student Services |
| • Curriculum and Instructional Services | Academic Affairs |
| • Library | Academic Affairs |
| • Workforce Development (Trades & Technology) | Institute of Trades and Technology |
| • Apprenticeship Training | Institute of Trades and Technology |
| • Samoan Language Studies | Samoan Language Institute |
| • Research in Land, Agriculture, Forestry | Community of Natural Resources |
| • Arts, Music and Theatrical Performances | Academic Affairs/Fine Arts |

3020 ADMINISTRATIVE RESPONSIBILITIES

Staff or faculty member designated by the President as an administrator of a program or department are assigned administrative responsibilities that are considered the standard in the performance of their daily duties. The administrator is also required to inform its staff of the administrative organizational structure and the proper lines of communications within their departments and in the overall ASCC organizational structure.

3021 ADMINISTRATIVE PROTOCOLS – SPECIAL EVENTS/VISITS

The President shall develop formal procedures applicable to ensure that special events and visits of high profile guests to ASCC are properly arranged. These procedures will ensure the application of consistent standards for college events and will address appropriate protocol and operational considerations, including, but not limited to, co-ordination for scheduling within the college calendar, evaluating the adequacy of the budget to the project requirements, space, risk assessment, security arrangements, invitations, publicity & media relations, hosting and transportation.

The President will coordinate communication with high profile guests through a designated ASCC official and thereby serve to enhance ASCC’s relations with these individuals and their offices. The Public Relations Officer will be designated in writing by the President of the college, and shall serve in the capacity of a Special Events Coordinator for ASCC.

In addition, any department must submit to the cognizant vice president assistance for a special event assistance. The Vice President shall consult with the President’s Office. The President’s Special Assistant will be responsible for advising the department on matters of protocol and special requirements, and the department is responsible for coordination, organization, and management their specific event unless otherwise designated by the President. Some examples are: official opening of ASCC buildings, ASCC sponsored cultural ceremonies, graduations, building naming, and any other event the President determines to fall in this category.

3022 COMMUNICATION PROTOCOLS

The College’s approved organizational and department charts shall be used and implemented as the guide for communication protocols. This will ensure proper chain of command, respectful communications and effective management of the college’s administration. Communication protocols shall abide the major organizational chart as a fundamental rule for college-wide matters, or a departmental organizational chart when an issue requires the attention of a department only.

3022.1 COMMUNICATION WITH THE MEDIA

The President of the college or an authorized designee is responsible for all media relations for American Samoa Community College. This includes disseminating all press releases and handling all press inquiries. He/she is the official college spokesperson during a crisis situation and in all matters concerning college policy, procedures, students, and employees. Employees contacted by any media representation should direct these calls and inquiries in a timely fashion to the President or designee. Individuals contacted for comments, opinions, or as experts in their fields of study are encouraged to respond, at their own discretion, to questions relating to their areas of expertise, but shall not represent his/her views as that of the college. As a courtesy, they should notify the President's Office that a media representative has contacted them.

3022.2 FREEDOM OF EXPRESSION

This policy is intended to inform employees of their rights and obligations prior to engaging in speech that is or may be perceived as related to the duties, responsibilities or administration of the American Samoa Community College. Employees enjoy rights protected by the First Amendment the right to freedom of expression. However, ASCC has interests as an employer and a public agency in regulating the speech of its employees that may result in the unlawful release of confidential information or otherwise affect its mission. This policy seeks to balance the interests of employees, the college and the public in accordance with cases decided in the local and federal courts under the First Amendment

Employees must remain mindful that certain matters of significant public concern may be so closely related to the responsibilities and mission of the college as to create a substantial likelihood that personal comments on such matters by employees would be perceived as reflecting the official views of the ASCC rather than the individual views of employees. In such situations, it is imperative for employees to make clear that they are expressing their own personal views rather than speaking on behalf of the college.

For the purposes of this policy, "confidential Information" means records or other information protected from public disclosure pursuant to federal or local law, or by court order or deemed by this agency to be exempt from disclosure pursuant to the Freedom of Information Act.

3023 OFFICIAL CORRESPONDENCE

This policy provides details about the preparing and processing of internal and external official correspondence. It aims to provide a formal system to assist in the management of the college correspondences, including items marked personal, private and/or confidential. In addition, to provide a structure that allows administrative staff to handle official correspondence, and those which, may be of a private and confidential nature, in a professional manner. ASCC will ensure all action items responded by letter shall follow the basic format within this policy.

3023.1 CORRESPONDENCE DETAILS

A. **Types of Correspondence** – This applies to typed or written correspondence. That is any item (other than in electronic form) that is exchanged through either the internal or external mail system.

B. Letterhead – All college letters shall be prepared on a pre-printed letterhead sheet containing the college logo, and official address. The letterhead shall only be used for official outgoing correspondence, signed by the President or designated staff/faculty authorized by the President to sign the correspondence “by direction” pertaining to matters under their cognizance.

C. Letter Formats – There are two types of formats the college will use in preparation of official letters:

1. **Standard Business Letter** - The standard business letter format shall be used in preparing outgoing official correspondence of the college.

2. **Business Memorandum** is essentially an "internal" business letter usually called “memorandum”, and shall be the key internal communication for the college.

3024 STANDARD FILING SYSTEMS

ASCC will standardize its filing system in all departments by assigning subject identification codes (SICs). The SIC also provide a standard system for setting up files. These code numbers cover most subjects found in the ASCC Policy and Procedural Governance Manual, and should be noted on every correspondence (letters, messages, forms, and reports). The use of the SIC provides a way for filing letters and other documents consistently and retrieving them quickly.

3025 DISTRIBUTION OF KEYS

Keys will be distributed only by the Vice President of Administrative Services/Finance. All keys are to be deemed controlled items and will not be duplicated. Keys will be distributed as follows:

A. Grand Master Keys

President, Vice Presidents, Security , and others approved in writing by the President.

B. Building Master Keys

Vice Presidents and designated custodians. Appropriate Deans/Directors and other supervisory personnel may be issued a key when authorized in writing by the Vice President of Administrative Services and Finances

C. Sub-Master Key

Department Chairs. Other supervisory personnel and technicians may be issued sub-master keys when authorized in writing by a Vice President.

D. Change Key

For individual offices, shops, and laboratories. Instructors, staff, and secretaries may be issued these keys.

3026 INTELLECTUAL PROPERTY

A. Intellectual property created in whole or in part with College resources is subject to ownership by the College and the College retains the right to financial reward and claim for distribution governed by terms and conditions of an Ownership Agreement between the creator(s) and the College.

B. Intellectual property created with no College resources is the exclusive property of the creator(s) and the College has no interest in any such property and no claim to any financial reward or claim for distribution.

C. Intellectual property created without the use of College resources but for the purpose of fulfilling college functions or its mission is subject to joint ownership by the college and the creator. The creator(s) retains the rights to use the intellectual property, to financial reward and claim for distribution in accord with an Ownership Agreement between the creator(s) and the College.

D. The use of College resources for personal gain or political promotion is inappropriate use of College resources and subject to reprimand

Chapter IV

PERSONNEL GOVERNANCE POLICY STATEMENTS

4000 GENERAL ADMINISTRATION

A. American Samoa Community College will assure equitable treatment of employees of the College and a merit system based on recognized principles of appointment, promotion, termination and other aspects of government and contractual employment.

B. The President is responsible to the Board of Higher Education for exercising leadership in and for the administration of all aspects of ASCC personnel management covered in this section. The President shall maintain a system of periodic review to determine that all rules relating to the personnel governance or his/her assigned responsibilities are being carried out. Whenever such review reveals failure on the part of an individual or department to comply with established policies, the President will take such action as may be considered appropriate. In addition, the President is responsible for carrying out the basic personnel development and management requirements of ASCC. Included in these responsibilities are:

1. Cooperation with the ASG Office of Human Resources as necessary and appropriate;
2. Active, concerned leadership in assisting employees to carry out individual development plans;
3. Prompt and accurate action in all hiring of new employees, promotions, transfers and disciplinary actions that conforms to these regulations;
4. Ensure that ASCC personnel practice and comply with regulations contain within this manual as well as territorial statutes governing public personnel administration; and
5. Ensure that suitable and qualified applicants are recruited and placed within ASCC positions.

4000.2 PERSONNEL ADMINISTRATION

The college will develop and maintain personnel policies and procedures that are in compliance with applicable federal, state and local laws and regulations; administered in a consistent and impartial manner; designed to enhance the relationship between the college and its employees and advance the mission of the college. All positions will be classified according to job responsibilities into a compensation structure that is internally consistent and externally competitive according to available resources. Job descriptions will be reviewed regularly by supervisors to ensure that all qualifications are job related and to uphold affirmative action and equal employment opportunity. Employee records relating to job qualifications, performance and other personnel matters are confidential and will be retained only in the office of human resources as the employee's official personnel file. Due to the confidential nature of employee records, the college will provide reference information only to inquiries which have been authorized in writing by the employee. All requests for information about current, retired and separated employees must be referred to the office of human resources.

4000.3 DELEGATION BY THE PRESIDENT of PERSONNEL ADMINISTRATION

The training and technical aspects of personnel administration may be delegated to supervisors, trainers, and the Director, Human Resource.

4000.4 AUTHORITY OF THE PRESIDENT – INVESTIGATION AND ENFORCEMENT

A. President of the college may issue an investigation to enforce ASCA, Title 7 and other pertinent statutes and rules governing employment. This may include investigations in qualifications and suitability of applicants for positions.

B. When an investigation finds an employee of ASCC is in violation of the statutes governing employment, the Human Resources Director will recommend to the President who has the authority, after giving the employee due notice and an opportunity for explanation prior to a final decision of the actions to be taken, which may include but not limited to a certification of the facts to the ASCC Chief Financial Officer for nonpayment of salary or accrued wages of the employee under investigation.

4001 RECEIPT OF PERSONNEL POLICIES & PROCEDURES

ASCC departments and divisions upon receipt of their copy of the Personnel Governance, and employees receiving a copy of the employee handbook affecting their employment or any addendum thereto, must sign a “Receipt of Personnel Governance Policies and Procedures/Employee Handbook. An employee’s signature will signify they have read and understood personnel governance policies, and acknowledge their understanding that no part of this section shall be construed as being an employment contract either implied or expressed between employee and ASCC.

4002 CHANGES AND REVISIONS TO PERSONNEL GOVERNANCE POLICIES

Authority to establish and change personnel policies rests solely with the Board of Higher Education (BHE). Policies may be changed at any time – with or without notice, and then only in writing – by ASCC BHE. (see Policy # 2005, Board Policies). Changes of rules, regulations and guidelines/procedures developed to enforce a policy shall be approved by the President prior to publication.

4003 EMPLOYMENT STANDARD

ASCC has adopted the ASCA, Title 7, Section 7.0204 guidelines as their policy for employment of career service personnel. In summary the guidelines refers particularly to the ASCC Merit System, that all appointments and promotions to employment in ASCC shall be made solely on the basis of merit and fitness – when practical be ascertained by competitive examinations. In the absence of examinations, the standards of employment will give all due recognition to practical experience in the function of learning on the job, rather than relying on formal education and training.

The President has primary responsibility for establishing and administering procedures for filling vacancies in compliance with federal regulations, local laws and ASCC policies. However; all employees and supervisors share responsibility for the successful operation of the system.

4003.1 GENERAL REQUIREMENTS OF RECRUITMENT AND PLACEMENT

A. **Merit, Fitness, Skills, Knowledge, and Examinations** – Recruitments, hiring, appointments and promotions to all positions shall be made solely on the basis of merit, fitness, length and quality of previous service, and relative skills, knowledge, and ability as shown by examinations under the Merit System.

B. **Standards of Evaluations** –Appointments and promotions to all career service positions shall be made solely on the merit system. The same standards and methods shall be used in evaluating all candidates who are in competition for the same class.

C. **Residents and Non-residents** - Permanent residents of American Samoa, or persons entitled to permanent residence as determined by the immigration law of American Samoa, shall be given initial consideration for employment.

D. **Employment Clearances** - Applicant selected for a position in the career service, and two or one year contract is required to successfully pass the pre-employment Medical Examination, conducted by Public Health Division of American Samoa. A signed and completed form letter, Security Background Investigation must be completed by the Commissioner of Public Safety. In addition non-resident must also complete a form letter, Non-Resident Employee from the Immigration Office before they can officially be appointed to the position.

E. **Nepotism** - In all recruitment and placement activities, it is the policy of ASCC that two or more members of a family may be employed within the same office as long as one member does not officially and immediately supervise the other. This requirement not only is applied on the basis of facts as they exist as of the time of appointment but at any time while serving as an employee of ASCC.

F. **Effective Dates of Employment** – The official effective date for all recruitment and placement actions, as well as other personnel actions, shall be established by the President of ASCC. Exceptions are:

1. In the case of resignation, the date is established by the employee resigning;
2. Effective dates for appointments can only be established after the prerequisite medical, police, immigration clearances have been obtained by ASCC;
3. Effective date for pay grade step increment is determined under the classification and pay regulations.
4. Retroactive effective dates are only set when an administrative error has occurred on an appeals action resulting in corrective action.

4003.2 MERIT SYSTEM PROGRAM

The President of the College shall develop a Merit System program that is based on the principles of merit and fitness derived from competitive examinations for employment and promotion, its objectives are consistent with personnel governance policies and procedures and the ability of employees to appeal disciplinary actions. This program shall be designed to provide for recruitment and retention of a qualified work force in order for ASCC to achieve and provide more efficient services.

4003.3 ADMINISTRATIVE RESPONSIBILITY OF EMPLOYMENT

The President has primary responsibility for establishing and administering procedures for filling vacancies in compliance with appropriate federal and ASCC regulations. All employees and supervisors share responsibility for the successful operation of the system

4004 COMPETITIVE OR NONCOMPETITIVE HIRING

ASCC will hire and fill vacancies either by competitive or noncompetitive measures. The determination will be made depending on the following types of actions:

A. Competitive

1. Selection of an applicant not employed by ASCC for permanent or temporary appointment.
2. Promotion of an employee in the career service, except under circumstances specified under “noncompetitive.”
3. Reinstatement of a former ASCC employee who has completed the probationary period to a higher grade position.
4. Selection of an ASCC employee who is currently on an emergency appointment for a temporary or permanent position.
5. Selection of an employee who is in a non-supervisory position to fill a supervisory position.

B. Noncompetitive

1. Career promotion, reassignment made under training agreements.
 2. Career promotion(s) of employees up to the full performance level position in the career ladder.
 3. Career promotion(s) of employees in an understudy position to the target position.
 4. Change in classification standards.
 5. Error in the allocation of the original position.
 6. Promotion of demoted personnel without cause or to intermediate grades below the grades from which demoted.
 7. Conversions to a different pay system without change to duties and responsibilities.
 8. Reinstatement of a former ASCC employee who has completed the probationary period in the career service to the same or similar class held previously at ASCC.
 9. Transfer of employment from one department to another, if such transfer involves a promotion.
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4005 JOB POSTING

Any vacancy posted as a career service or contract will be hired based on the employment status. The employment status will not change unless justification is provided and approved by the President. ASCC requires that all employee position vacancies be posted as per the following guidelines:

A. Internal Positioning - supports the professional development of current employees (two-year contract and career service). Successful candidates must meet the position's minimum qualifications and are typically moving within the same department into positions that are a higher grade, although in rare instances lateral moves within departments can be approved if the transfer provides a career service development opportunity [with an eye toward promotion] by enhancing skills and learning about other functions of the college.

The subsequent vacancy, which occurs as a result of an internal promotion, must be posted internally or externally as determined by the President, a full search conducted and a good faith effort must be made to generate a diverse applicant pool.

B. External Posting - Staff and faculty vacancies shall be posted publicly for at least **15 days** before the process of selecting a candidate. The President shall approve external posting of less than the standard 15 days.

C. Exemption from Posting - In *rare* instances, the posting policy does not apply. The reason these positions are *exempt* from the posting policy is that there is no vacant position that results from the personnel activity. Generally:

- An individual's source of pay changes due to budgetary considerations with no change in responsibilities or rate of pay;
- The hours of a regular full-time or regular part-time employee are changed with no change in responsibilities;
- Department reorganization occurred and no additional staff is hired. The reorganization must be reviewed by the Human Resources Director and approved by the President; or
- An incumbent staff member's position is reclassified by Human Resources to reflect a change in that individual's duties and responsibilities. (However, promotions or a transfer into a position that has been vacated by another employee or which has been newly created is subject to either the internal or external posting policy.)

4005.1 EMPLOYEE RECRUITMENT AND HIRING

ASCC will recruit and hire excellent faculty and staff on the basis of job-related selection criteria, demonstrated ability, experience, and training. Equal employment opportunity laws and guidelines and maintaining a diverse workforce will guide all searches. Every effort will be made to ensure that recruitment and selection is conducted from diverse pools of qualified internal and external candidates consistent with college policy concerning non-discrimination, equal employment opportunity and affirmative action. To ensure uniformity in personnel practices and compliance with local and federal laws concerned with employment practices, hiring supervisors will adhere to specific institutional recruitment and selection procedures and guidelines. Also see "**Ethics and Conduct**" and which require

avoidance of conflict of interest, “non-participation” in decisions affecting relatives, and avoidance of inappropriate influence in situations such as hiring.

A. General provision in hiring is as follows:

Vacancies can either be filled competitively or non-competitively per established procedures. ASCC fills job opening with qualified applicants as per the merit system. The following paragraphs summarize the major elements of this policy.

1. **Preference Employment Candidates:** Job openings are filled by qualified persons who are residents of American Samoa and from within the college when possible. Preference is given to internal candidates over external candidates when both are equally qualified. However, internal candidates are not guaranteed the position for which they apply.

2. **Testing/screening:** Applicants for certain positions may be required to fill out a standard screening instrument and take a test as a condition of being considered for employment. The testing/screening can be achieved through competitive or noncompetitive recruitment.

3. **Interviewing:** Applicants will be screened to determine who should become candidates for a job. Job candidates may be interviewed by a minimum of (3) member panel that will include the position supervisor.

4. **References:** References will be checked on all candidates to whom job offers may be made, before the offers are made.

5. **Applicants in Security Sensitive Positions:** A criminal history record check is required on all applicants/employees being considered for employment or transfer to a “Security Sensitive” position. These positions shall be restricted to employees who handle currency, have access to financial information on a computer terminal, have access to master key, or who work in an area of the college which has been designated as a Security Sensitive area. A security sensitive position shall be identified as such in the Job Description and Announcement.

4005.2 PREFERENCE CANDIDATES

ASCC has adopted ASCA 7.205 preference candidates in determining career service hire, where a candidate must meet the definition of preference eligibility to be qualified. The following criteria(s) shall be met:

- Born in American Samoa;
 - One parent of the applicant was born in American Samoa;
 - Married to a citizen of American Samoa;
 - Legally adopted by an American Samoan;
 - Resided continuously in American Samoa for a minimum of 20 years with approval by the immigration board; and
 - If a permanent resident does not meet the above criteria for employment, a non-resident will be highly considered for employment.
-

4005.3 APPLICATIONS

All applications shall be on a form prescribed by the President. The applicant's signature shall certify the truth of the stated information. Applications shall remain under active consideration by ASCC Human Resources for one year from the date received. After one year, an applicant shall contact the Human Resources Department to reactivate file for a position advertised.

4005.4 DISQUALIFICATION, REFUSAL TO EXAMINE APPLICATION

ASCC may refuse to examine an application, or after examination, may disqualify such applicant or remove his/her name from a register or refuse to certify any person otherwise eligible on a register if the applicant is found to lack any of the requirements established for the class; disabled as to be rendered unfit to perform the duties of the class; convicted of any offense that would adversely affect ASCC; made false statement of material fact in his/her application; been dismissed from private or public service for delinquency, misconduct, inability to similar job, or any other lack of fitness as an employee; found to be in violation by using bribery to secure an advantage in the examination of appointment, or has taken part in the compilation, administration or correction of the examination in which he/she has participated.

4005.5 EXAMINATION – FINAL RATING

The President shall delegate to the Human Resources Director the appropriate examination for a register for a class to be assigned, ensuring all times that examinations are job-related. Examination shall normally consist of one or a combination of the following:

- A. A written test;
- B. A performance test;
- C. An oral test;
- D. An evaluation of experience and training.

Examination shall be held at times and places necessary to meet the requirements of the career service, provide economical administration, and generally convenient to the applicant. Examination announcements shall specify the desirable minimum requirements, the parts of the examinations, and the method of rating. Announcements shall be prominently posted to ensure that the information is reasonably available to all.

Each applicant shall receive notice of final rating. After receipt of the notice, the applicant may request and receive information regarding their score. The same information may upon request be furnished to the supervisor or department head concerning certified eligible.

4006 ACADEMIC AND PROFESSIONAL CREDENTIALS FOR FACULTY

ASCC recruits and employs the most competent faculty member qualified to accomplish the mission and the goals of the college. When determining acceptable qualifications of a faculty member, the college will give primary consideration to the highest earned degree in the discipline as per the written guidelines. ASCC will also consider competence, effectiveness, and capacity, including, as appropriate, undergraduate and graduate degrees, related work experiences in the field, professional licensure and

certification, honors and awards, continuous documented excellence in teaching, or other demonstrated competencies and achievements that contribute to effective teaching and student learning outcomes. The College will hire full-time and adjunct faculty members that meet or exceed minimum qualifications as stated in the current edition of the Western Association Schools and Colleges Accreditation.

4006.1 DEGREE REQUIREMENTS

All degrees earned by faculty member that fulfills the requirements of WASC must be from a U.S. regionally accredited institution. The college is committed to recruiting and selecting faculty members whose highest degree is earned from a broad representation of U.S and regionally accredited institutions. Presentation of an official transcript is required prior to employment. The employee will pay for the official transcript. In addition, any staff position requiring an educational degree as a qualification shall be a requirement for employment with ASCC.

4006.2 DOCUMENTATION OF EDUCATION FOR PLACEMENT

Official transcripts are required to be sent directly from the issuing institution to the ASCC Human Resources Department to document compliance with the ASCC employment policies. Faculty members and applicable staff/administrators must comply with the requirement to document all education listed on the employee's application that satisfies the requirements of the job announcement.

4006.3 PROFESSIONAL LICENSE AND CERTIFICATION

An employee whose job requires professional license or certification must present documentation of their license or certification prior to employment.

- A. The employee will pay the cost of obtaining their license or certification, or maintaining it in a current state.
- B. Copies of the license or certification, plus copies of all renewals or changes, must be provided by the employee for inclusion in their official personnel file.
- C. Employee must notify their supervisor of any changes in the status of their license or certification.

4006.4 VERIFICATION OF ACADEMIC CREDENTIALS

ASCC Human Resources will verify education credentials listed on employment applications and or resumes for candidates and all entering employees for positions of employment within the College. Any costs assessed by ASCC for verification of credentials or transcripts shall be the sole responsibility of the applicant.

4006.5 FALSIFICATION/OMISSION OF EMPLOYMENT INFORMATION

Corrective action shall be taken when an employee has falsified, failed to report, or incorrectly reported background information on the application for employment and/or on any other employment or medical-related forms. The President will decide, in conjunction with the written recommendation of the Human Resources Director as to whether the employee will be allowed to continue employment in

the same position based on the effect the corrected or completed information would have had on the original employment decision if the information had been available at that time.

4007 NEW EMPLOYEE ORIENTATION

New employees will undergo an orientation to acquaint them with ASCC's policies and procedures, their job, and their internal and external working relationships. The orientation will consist of two parts:

A. Orientation to the Organization – The Human Resources Department will generally coordinate orientation to ASCC under the approval of the President, to compensation and benefits, and to other expectation of employment. As part of the orientation, each employee will receive a copy of the Employee Handbook, which contains abbreviated ASCC personnel policies, and will be asked to sign a document stating they received and understood the material in it.

B. Orientation to the Job – The new employee's immediate supervisor, as designated by the Department Dean/Director, generally will orient the employee to the job and the internal and external working relationships.

4007.1 NEW EMPLOYEE ORIENTATION PERIOD

New employees will serve an orientation period of up to 120 days from date of hire. This period is used to determine whether the employment relationship should continue. If, within the 120 days the employee has acclimated well, his/her probationary period continues with the remaining nine (9) months, and to complete the necessary verification documents for file.

Any employee serving a probationary period shall be given a full and fair trial in the performance of the duties of the position selected. Employees serving their original probationary period may be separated at any time during such period upon proper recommendation and with a five (5) working days prior notice without right of appeal.

During orientation period, frequent informal and formal employee performance evaluations will be held. If ASCC determine in its sole discretion that a satisfactory performance level cannot be achieved through reasonable amount of training and coaching, orientation period, the employee will be release immediately. If the problem can be resolved beyond the orientation period, the employee will continue through the probationary period of up to one year.

4007.2 PROBATIONARY PERIOD REVIEW

As a final test of employability, in positions of original appointment, promotion, or transfer to a class that has different qualifications, a probationary period shall be required. During this period, the employee has no right to expect continued employment in that position and employment can be terminated at any time. Employment beyond the probationary period is contingent upon a satisfactory evaluation of the employee's performance. Probationary Progress Review reports are due on the 3rd and 6th months of employment to Human Resources Department for processing.

A. Extension of Probation

If a Department Dean/Director requires some additional time to make a final determination about the fitness of the probationary employee for the job, he or she may request an extension of the probationary period. Such extension shall not exceed three months. At the end of that period a final determination about the continued employment of the probationary employee will be made.

Department Dean/Director requesting an extension of probation should write to the President of the College via Human Resources Department at least 30 days before the employee's probationary period is to expire. He or she will be asked to provide information about the specific areas in which the employee must improve in order to be eligible for continued employment.

B. Notification of Successful Completion of Probation

When the Human Resources Department receives a recommendation for continued employment from the probationary employee's Department Head, a notice will be sent to the employee informing them that they have successfully completed their probationary period. ***The achievement of the one-year anniversary date does not automatically signal the end of the probationary period.*** Normally, the notice will be sent to the employee immediately following the end of the first six months of employment. An employee will be considered to be on probation until such time as notified otherwise by the Human Resources Department.

The grievance and appeal procedures are not available to probationary employees, with the exception of those employees who claim and provide evidence that unlawful discrimination has resulted in their being adversely affected.

4008 FACULTY APPOINTMENTS

For the purposes of this policy “faculty” shall mean any persons appointed to faculty positions whether full-time or part-time in any academic department. In addition, the “faculty” shall include:

a. “Professional Librarians” appointed to full-time reference positions in the College library which require a Master of Library Science or other terminal degree in the library sciences

b. Full-time Faculty. Full-time faculty shall mean any person appointed to a probationary term for one year with a Full Time Employment (FTE) designation. .

c. Part-time Faculty include the following:

1. Regular part-time appointments. Faculty working at least half-time but less than full-time for the full year. These faculty members will not have specific courses assigned to them in their appointment contract.

2. Course-specified appointments. Faculty appointed to teach courses specified in their contract of appointment. While they may teach two courses a semester, they have been employed for their expertise in specified courses that the College needs to offer in a particular term.

3. Special Appointment Faculty (Adjunct, Retired, Guest Artists, and Others.) Persons appointed to these special positions will be employed on term contracts. They will not be eligible for career service or sabbatical leave. Since these are exceptional appointments, conditions of employment, including the length of the employment period, will be explicit and agreed to in writing by the College and the faculty member involved. The Vice President for Academic Affairs will place a copy of the letter of agreement in the personnel file and will give a copy to the faculty member. The same high standards in personnel matters as are characteristic of all professional relationships at the College will be applied.

4. Adjunct Faculty. Faculty employed by institutions may become adjunct faculty through application to the relevant department.

5. Retired Faculty. A retired faculty member may be invited or may apply to teach a course as a temporary faculty member, guest artist or fellow.

6. Visiting Faculty, Guest Artists. The College may employ visiting faculty members and guest artists, on a full-time or a part-time basis as needed for periods of up to one year. Faculty retired from Stephens College are eligible for such appointments.

4008.1 STAFF APPOINTMENT TYPES

The President of the College or designee(s) is (are) authorized to employ, set the terms of employment, terminate, suspend, and otherwise make personnel decision concerning personnel for Board approved Staffing Plan and temporary positions. No employee of the college other than the President has any authority to make oral or written representations or agreements with an employee for employment for any specified length of time or for employee benefits. ASCC shall make appointments of eligible applicants based on the requirements of the appointment. Appointments types will be made as per the following:

A. Career service or permanent appointments are made through open competitive examination from a regularly budgeted position. It requires a probationary period of one year, with a satisfactory performance evaluation as a requirement for permanent status in the position during this period.

B. Temporary appointment when work of a temporary nature, at the completion of which the services of an additional employee will not be required. The President may authorize a temporary appointment for a period not exceeding one year.

C. Emergency appointment when an emergency occurs requiring the immediate service of a person or persons, the President may approve such appointment not to exceed 60 working days, based on the agency justification of the continuing state of emergency. If a person other than an American Samoa national is to be appointed, immigration clearance must be secured prior to entrance on duty, but police and medical clearances may be furnished during the 30-day emergency period.

D. Disaster Emergency Appointment occurs in the case of a disaster, the President is authorized to make direct emergency appointments without any clearance, for a period not to exceed then working days.

4008.2 SERVICE PLACEMENT

ASCC provides opportunities for career service employees', and these opportunities are promotions, voluntary transfer, and lateral assignment change within ASCC to meet college interest or to fulfill the employee needs for professional and personal growth. ASCC also realizes that employees fall short in their performances and may be demoted as disciplinary measure; other situation may be a non-voluntary demotion as result of downgrading due to lack of work or funds.

4008.3 REINSTATEMENT/REEMPLOYMENT

Career employees may be separated from ASCC involuntarily due to military duties, approved personal reason, subject to layoff orders due to the lack of work or funds, and retirement. When these circumstances occur, ASCC will ensure that former employees are reinstated and reemployed accordingly.

4008.4 REINSTATEMENT AFTER SEPARATION

A. Any person who satisfies the probationary period in the career service, and was separated for approved reasons (military duties, illness, family caregiver, etc.), may be reinstated to a position with the same or similar duties as previously performed, provided reemployment is not prohibited by rules or laws relating to the reemployment of employees separated for cause or who have abandoned their positions.

B. Reinstatement to the same class of work or grade previously held is noncompetitive.

4008.5 REEMPLOYMENT AFTER LAYOFF

The name of permanent/probationary career service employee shall be placed on a reemployment list by class and in order of seniority.

A. Reemployment shall be in order of seniority, with the most senior reemployed first as noted on the list.

B. No new employees shall be hired in a class if eligible class members remain on the reemployment lists.

C. An employee reemployed from a layoff list shall be fully restored to his/her position with all rights to permanent status. No seniority shall be earned during the period of layoff.

4008.6 REEMPLOYMENT OF A RETIRED EMPLOYEE

An employee who is retired and receiving a pension from ASG may be reemployed under conditions by which no other can fulfill the job requirement offered. The rehire will be in compliance with ASAC Chapter 3, Title IV. Human Resources will notify the ASG Retirement Office to cancel the annuity for the duration of employment.

4009 PROMOTION

A. Eligibility - No employee shall be eligible to be selected until he/she gains permanent status; however, a probationary employee may be admitted to a promotional examination if the announcement

for the position has an established closing date and if the employee has served three months of their probationary period. Employee selected who has not completed their probationary period must serve a new probationary period. Employees who are otherwise qualified will be admitted to promotional examination if they are within two months of the experience required by the minimum qualifications and are assigned to a position which provides qualifying experience.

B. Unsatisfactory Performance - A permanent employee who is promoted and fails to satisfactorily complete the probationary period shall be given 15 days written notice no earlier than 90 days after assuming the position. The President will notify the employee of the date he/she will revert to his/her former classification.

C. Rules of Promotion – This rule apply in determining grade level and salary for promotion.

4009.1 LATERAL MOVEMENT (REASSIGNMENT)

The President shall approve all lateral movement of ASCC employee by reassignment of a permanent or contract employee from one position to another class within ASCC. If reassignment includes a promotion, the rules governing promotion apply.

4009.2 DETAIL

Detail is intended only for meeting temporary needs of the college when services cannot be obtained by other practical means. Details for 30 calendar days or more shall be recorded on the prescribed form and maintained as a permanent record in official personnel folders. Details of less than 30 calendar days need not be officially documented, but should be recorded in department records. All details to higher grade shall be confined to a maximum period of 120 days unless approved by the President or in the case of acting President by the Board of Higher Education. An employee who accepts a detail to a higher graded position shall be paid per the rules of promotion if it is anticipated that the position is expected to be vacant or is currently vacant after 30 days. An employee accepting a detail for less than 30 calendar days shall retain his/her current salary. An employee shall not achieve permanent status in the position detail.

4009.3 DEMOTION

An employee who is demoted as a result of disciplinary or non-disciplinary, voluntary or non-voluntary may not receive pay at a higher rate than he or she received before demotion.

4100 VETERANS PREFERENCE

Veterans shall receive preferential consideration in open competitive examinations as follows:

A. Ten additional points to a disabled veteran. The preference shall be used in open competitive examination only and not in promotional examination.

B. Five additional points to a veteran or the unmarried widow(er) of a veteran. The preference shall be used in open competitive examination only and not in promotional examination

4101 REGISTERS OF ELIGIBLE APPLICANT

ASCC shall establish registers of applicants who are eligible to be hired or promoted for a job classification within the career service, and it shall be used to determine prospective and promotional candidates for applicable job classification.

4101.1 REGISTERS

ASCC shall establish and maintain the following registers, and Human Resources will ensure the registers are currently updated: Reduction-in-Force, Promotional, and Open Competitive Register. All registers will consist of three elements:

- Composition (List of names by career status)
 - Method of Ranking (Seniority)
 - Life of Register.(Duration to maintain the Register)
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4101.2 CERTIFICATION OF ELIGIBLES

Authorized career service position vacancies can only be filled from the list of eligible applicants through the use of existing registers and competitive applications. First priority will be given to those who are eligible from the “Reduction in Force” register if one exists.

In the case of a promotion, consideration will be first given to the list from the “Promotional” register.

4120 CONTRACT SPECIALISTS – GENERAL

It is ASCC’s hiring and employment agreement, that when a position can not be filled within the career service, it may be filled from outside of American Samoa. When ASCC receives federal funds to start a new project and continuation of this project is unsure, a contract specialist is hired for the duration of the project, unless the position converts to a career service due to a permanent status of the project. In such case, the contract specialist can compete for the opening when it is advertised as a career service position, if he/she meets the residency requirements (immigration status).

4120.1 CONTRACT SPECIALIST HIRING PERMITTED

When there are no qualified local candidates for a given position after exhausting recruitment efforts, except appointment/hiring of qualified a candidate residing outside of American Samoa may be the exception.

4120.2 CONTRACT SPECIALIST RECRUITMENT AND SELECTION

Recruitment - Positions must be advertised locally prior to off-island advertisement, except when a shortage of qualified eligible candidate is known in advance, recruitment may be performed simultaneously.

Selection – Competition and selection for contract positions shall be based solely on merit, fitness and entirely without regard to race, color, sex, age, religion, national origin or politics. No preference is permitted except those related qualifications and veteran’s preferences. Qualifications will be measured against the requirements for the position. No more than five names shall be certified at any one time. Requests for additional names may be made to replace names of eligible candidates who:

A. Are no longer interested in employment; and

B. Were not satisfactory for valid and pertinent reasons directly connected with the position as determined by the President or as a result of the written report submitted by the selecting authority.

4120.3 EMPLOYMENT CONTRACT AGREEMENT

The standard “Employment Contract Agreement” will be prepared by the ASCC Human Resources Office and approved by the President. The terms of this contract are specified in the agreement the employee signs. The standard Employment Contract Agreement may be revised to fit the needs of the job or the current statutes.

4120.4 ASSIGNMENT OF CONTRACT SPECIALIST

While the contract specialist is designated to serve in the position for which he/she accepts, the needs of the college will determine additional assignments and specific designations.

4120.5 EMPLOYMENT CLEARANCE

The selected applicant from off-island and their accompanying dependents shall be required to provide sufficient evidence of good health, and security background check. If applicable, immigration document (Visa/Permit) to enter and be employed in American Samoa is required by ASCC Human Resources Department before employment. The final selection of contract specialist candidates will be contingent upon approval of the physical examination and immigration permit if required.

4120.6 VERIFICATION OF QUALIFICATIONS

Verifications of the candidate’s claimed qualification and references, and any reports of the interviews, spouse, dependents, etc. must be faxed or mailed to the Human Resources Department. They will submit all necessary documentation to the President for final review and determination.

4120.7 CONDUCT

The contract specialist is expected to conduct his/herself both on and off the job as employees of ASCC. Rules regarding outside work, conflict of interest, and political activities as noted in Employee Conduct is applicable.

4121 TERMS OF SERVICE

A. The term of employment – for a contract specialist from off-island shall begin on the date of departure from the point of debarkation, and terminate on the date as specified in the signed employment contract agreement. Travels during these dates are inclusive.

B. Length of term – The contract will spell out the length of the contract, which can be up to two (2) but not less than one (1) year.

C. Termination of contract and employment –ASCC may terminate employment:

1. For Cause – ASCC may discharge the contract specialist and terminate employment agreement for cause, including dereliction of unsatisfactory performance of duty or misrepresentation or conviction of any criminal offense. Pending a hearing and final determination, the contract specialist may be suspended

2. Without Cause – Resignation. Contract specialist may resign from the contract depending on their health, unforeseen emergency, military obligations, and other personal reasons.

D. Employment after term of contract. If employment of the contract specialist continues beyond the term of service specified in the agreement without the execution of a new agreement, such employment shall be deemed to be at-will and may be terminated by either party on reasonable notice to the other. All of the terms and conditions of the agreement, except those pertaining to termination for cause, shall continue in effect during such extended period of employment.

E. The contract is prepared by Human Resources Office and approved by the President.

4122 DEPENDENT AND FAMILY STATUS REPORT

It is the responsibility of the contract specialist to make ensure documentation (birth certificate, marriage license, adoption records) is available for ASCC to review and verify legal dependents, and shall make known to the President via the Human Resources Department changes in his/her family status as they occur.

4123 STEP INCREMENT

During the tenure of the contract, the contract specialist shall receive annual step increments as abbreviate in Policy #4600, Salary Administration, which addresses classification and pay.

4124 CONTRACT SPECIALIST RECLASSIFICATION

If substantial changes are contemplated in the duties and responsibilities assigned to a contract specialist during the agreement period, the college may review and reclassify the contract position.

4124.1 RENEWAL OF CONTRACT

A. Contract renewal is the prerogative of ASCC and is based solely upon need and performance of a contract specialist as determined by the President and contingent upon approval of the contract specialist's continued employment by the Board of Higher Education.

B. A contract specialist must address his/her request for contract renewal in writing to the President who will in-turn present it to the Board of Higher Education along with the President's report whether to renew or not at least 90 calendar days prior to the expiration date of his/her present agreement.

C. Renewal of contract for a one-year period will be limited to one renewal unless prior approval is obtained in writing from the Board of Higher Education.

4124.2 REASSIGNMENT

A contract specialist is precluded by and for the duration of the contracted term of service from competing for other vacant positions within ASCC or ASG. However, the contract specialist may request reassignment to a vacant position and may be granted at the discretion of the President and the selecting authority when to do so in the interest of ASCC.

4124.3 CAREER SERVICE ELIGIBILITY

Upon expiration of a contract, every effort shall be made to fill the contract position as career service. If a position which has been filled by contract can be filled within the career service, the incumbent of that position can compete for the position on a career service basis if the employee is entitled to permanent residency in American Samoa or if their spouse is entitled to permanent residency.

4125 TRAINING

Nominations for training of contract specialist shall be submitted to the President, who shall retain discretion for approval or disapproval. No contract specialist shall be recommended for training to gain skills or knowledge which he/she might reasonably be expected to possess in order to have been selected for his/her position.

4126 GRIEVANCES – STRIKING PROHIBITED

A. Grievances – A contract specialist grievances shall be processed the same as those made by other employees. In case of an alleged violation of the contract specialist's agreement, continuation of employment shall not be deemed a waiver by either party of his/her claim.

B. Strike – A contract specialist agrees by contract not to participate in any strike against ASCC during his/her term of service.

4127 WORK-PRODUCT OWNERSHIP – DISCOVERIES AND DOCUMENTS

Any and all inventions, improvements, discoveries, documents, reports, memoranda, and data developed by the contract specialist relating to the position with ASCC will be the sole and absolute property of ASCC, and ASCC will be the sole and absolute owner of all patents, copy rights, or other rights connected herewith.

4128 IMMIGRATION STATUS

A. A contract specialist, sponsored by ASCC who obtains residency status within the territory for the duration of the agreement or term of service, upon termination of the agreement for any reason. By virtue of the termination, the contract specialist agrees to depart from the territory within 30 days from the termination date, unless the contract specialist receives employment from another agency that will sponsor him/her while in American Samoa.

B. Contract specialist who is not U.S. citizens/nationals must register annually as alien residents with the Immigration Office of ASG.

4129 CONTRACT SPECIALIST TRANSPORTATION

ASCC will furnish transportation for the contract specialist and dependents including the shipment of household goods and professional material from point of departure to American Samoa. If the contract specialist has fully performed the terms and conditions of the agreement in a satisfactory manner to ASCC, the college will provide return transportation and the shipment of household goods and professional materials from American Samoa to the original place of departure.

4129.1 TRAVEL AND SHIPMENT ENTITLEMENTS

A. The contract specialist and dependents are authorized economy air travel accommodations between place of departure and American Samoa, and vice versa only when the contract has been fully served and satisfactory to ASCC. Unless specifically authorized on the travel authorization, additional cost for upgraded accommodations shall be borne by the contract specialist.

B. When a position is filled by a qualified nonresident candidate who is temporarily residing in American Samoa, no provision will be made by ASCC for travel or shipment of household goods.

C. Transportation expenses not furnished by ASCC (such as private yachts or planes) incurred by a contract specialist and his/her dependents by traveling to American Samoa may be reimbursed in amount not to exceed that authorized for a one-way economy air fare as noted in Policy # 3014, Travel. The request for reimbursement must be supported by receipts or other evidence of payment.

D. If a nonresident contract specialist with approval from immigration elects to remain in American Samoa upon completion of the contract, ASCC's obligations for return transportation and household good shipment shall be forfeited.

E. When a contract specialist waives or elects to remain in American Samoa as a career service, all travel benefits are forfeited

4129.2 PROPERTY ALLOWED AND PROHIBITED

Property allowed for the shipment of household goods is limited to personal property essential to the comfort of the contract specialist and dependents which may be transported legally in international commerce.

A. Allowable shipment: This includes household furnishing, equipment and appliances, furniture, clothing, books, and similar property.

B. Not allowable shipment, includes privately own vehicle, airplanes, trailers, boats, pets, livestock, cordwood, building materials, property intended for conducting a business or other commercial enterprise. The importation and production, and use of hallucinogens and potentially harmful drugs are strictly prohibited and punishable by law.

C. Exception to shipment includes: Firearms and Pets:

1. The firearms laws in the U.S. differ from territorial legal restrictions. Weapons and ammunition of any kind are prohibited, including air guns, without prior licensing and registration. Inquiries of firearms shipment must be referred to the Department of Public Safety.

2. The only pets authorized to be brought in to American Samoa are dogs and cats from Hawaii, Guam, U.S., Guam, and trust territories of the Pacific Islands (TTPI), Australia and New Zealand. Pets destined from the U.S., Hawaii, TTPI, must be quarantined for 120 days in Hawaii. The extensive rules pertaining to this matter are available from the department of agriculture; some are codified in ASCA Chapter 24.03.

4129.3 WEIGHT ALLOWANCE

Ship of authorized weight allowances for overland and ocean shipments will be handled in a reimbursement system. Contract specialist must arrange with shipping agent, and submit the shipping laden with necessary documents to the CFO for remittance. Special arrangements will be separately negotiated for contract employees not residing in the U.S. Any portion of a cash payment from this schedule that is not applied to the cost of household/professional effects shipment insures to the benefit of the employee. Employees will be issued cash reimbursements from the current schedule upon arrival in American Samoa. Any exception for newly hired employee resulting in the issuance of a letter of credit to the selected shipping agency may be authorized only by the President.

A. Standard insurance coverage that is provided by the packer and shipper is based upon net weight only. If the contract specialist wishes to insure on the basis of value, he/she must acquire additional insurance at his/her own expenses.

B. Customs' rules applicable to the shipment of household goods must be observed for all travel. The contract specialist is responsible for compliance with the appropriate rules. Except for extenuating circumstances, he/she is liable for additional charges imposed by customs or port authorities.

4129.4 RENEWAL TRANSPORTATION BENEFITS (Two-Year Contract off-island hire)

If the contract specialist's employment agreement is renewed for another two years:

A. A renewal bonus of \$1000 will be paid on the first pay period following the effective date of the new contract.

B. Round-trip, economy air transportation may be authorized for the contract specialist and dependents.

1. A contract specialist who renews his/her contract may be authorized roundtrip transportation to a point other than the original point of hire; however, ASCC will only pay up to as much as the cost of airfare directly to his/her original place of hire. Any additional expenses will be borne by the contract specialist.

2. If the air fare is less than the cost to the original place of hire, the contract specialist is not entitled to the difference.

3. All travel purchased by the contract specialist with the travel authorization must be used on the same trip (i.e., If the travel authorization was a roundtrip to San Francisco, and he/she made the trip to Hawaii and return, the unused portion of the travel will not be used in any future travel.)

4129.5 COMPLETION OF CONTRACT

All transportation entitlements authorized on the original travel authorization during hire is applicable and authorized when the contract ends for off-island hire.

4130 CONTRACT SPECIALISTS BENEFITS

ASCC provides benefits to contract specialist which is important for the employee's physical and mental health. Full-time one to two-years contract specialist can earn annual and sick leave, including medical and dental benefits and including dependents.

4130.1 CONTRACT SPECIALIST COMPENSATION

A. Compensation for positions filled by a contract specialist from abroad shall be based on salary rates of the career service plus overseas post differential. Compensations for contract specialists hired for temporary projects shall be based on the salary rates of the career service plus 25%.

B. A Contract specialist is not entitled to overtime compensation.

C. A Contract specialist may be granted absence from duty with pay on those holidays recognized by ASCC. This does not include temporary contract specialist (less than one year contract).

4130.2 ANNUAL LEAVE

A contract specialist whose employment agreement is on a 12 month basis shall accrue annual leave at the rate of one (1) working day for each full bi-weekly pay period during the tenure of the agreement, regardless of the amount of time worked during each pay period, except for periods of leave without pay.

A. Provided that he/she is fulfilling all the terms and conditions of the employment agreement in a manner satisfactory to ASCC and, if ASCC determines that his/her services can be assured, he/she may be granted leave upon his/her request at any time.

B. He/she may be administratively required by ASCC to take leave at any time.

C. At the expiration of the agreement, the contract specialist will be paid in a lump sum for a maximum of 60 days of unused, accumulated annual leave, computed at the salary then in effect.

D. Only if it is for the convenience of ASCC, the contract specialist may elect to apply accumulated annual leave in total or in part in lieu of lump sum payment to an equivalent number of days' absence immediately preceding and extending to the expiration date of his/her agreement. He/she will not; however, be entitled to accrue annual leave while on terminal leave.

4130.3 SICK LEAVE

The contract specialist shall accrue sick leave with pay at the rate of one-half day per full biweekly pay period and may be allowed such additional sick leave without pay as ASCC at its discretion may deem necessary.

4130.4 MEDICAL AND DENTAL

The contract specialist and dependents will be entitled to medical and dental services in American Samoa based on residential rates. Such services may be subject to a nominal service charge to be paid by the contract specialist. Medical services shall be within the limits of AGS's personnel, supplies, and facilities available from time to time in American Samoa. They can also be entitled to off-island medical and dental care to the same extent furnished by from time to time to American Samoans by ASG provided:

- A. The contract specialist will be required to use and apply entitlement to the hospital, medical and dental care benefits which they may have as a veteran of the armed forces or as a participant under any other program or insurance plan;
- B. Return travel of the discharged patient, or an authorized accompanying family member, will not be provided should it be determined, in the judgment of ASG's Director, Department of Health, that due to health of the contract specialist or the dependent, the contract specialist should not remain in American Samoa, in which event the entitlements upon normal expiration of term of services will be given.

4200 EMPLOYMENT OF IMMIGRANTS

ASCC shall comply with the federal law and based on the Immigration Reform and Control Act (IRCA) of 1986 requires agencies funded by federal grants to ensure employees are authorized for employment in the U.S. Therefore, only individuals lawfully authorized for employment in the U.S. will be employed. In addition, ASCA Title 7, section 7.0205 states that any person entering career service shall be a resident of American Samoa and either an American Samoan or an American national at the time of entrance to service. If no resident can be found who meets the minimum qualifications for employment established, a nonresident may be employed.

4201 EMPLOYMENT TERMS

ASCC as established two categories of employees with term of contract. Term of contract is defined as the expectation of employment to be continued for a specified period of time. Employees of ASCC with term of contract have certain rights if dismissed during the period of contract as defined by law; they are given the right of notice and the right to be heard in the case of dismissal for cause. The two categories of employees with term of contract are:

- A. Full-time faculty in position career service/budgeted positions who have completed the probationary period; the term of contract period for full-time faculty is one year.

B. Full-time administrative, professional/technical, and support group members in position control/budgeted positions who have completed the probationary period; the term of contract period for full-time administrative, professional/technical, and support group employees is one year.

C. All other employees have no term of contract. These employees include:

1. career service/budgeted employees in probationary status
2. part-time position control/budgeted employees
3. temporary with benefits employees
4. adjunct faculty members (they do have short-term contracts)
5. temporary employees

D. At-Will - Employees under probationary period as career service and contract specialist on an extension of their contract are considered “at-will employees”. This means:

1. That the employment relationship may be terminated at the will by either the employee or ASCC without due process.
2. That the employment may be terminated for any reason.
3. That the employment may be terminated without prior notice or due process.

The “employment at will” relationship can only be changed by an agreement, in writing, specifically modifying the relationship and approved by the President of the College.

4201.1 ACKNOWLEDGEMENT OF “AT-WILL EMPLOYMENT”

A. ASCC in a written statement in an application, contracts, and job offers shall state the at-will status of the employment relationship and shall be made known to the employee the conditions of this relationship.

4202 CONFLICT OF INTEREST

ASCC expects all of its employees to serve the interest of the college first and foremost. A conflict of interest occurs when an employee’s interest is placed before that of the college’s, and that an employee’s extra or outside activities beyond his/her required duties are in direct discord with the college’s interest, which could potentially adversely affect the mission of the College.

For purposes of this policy, a conflict of interest relates to situations in which significant financial interest or other personal considerations may compromise, may involve the potential for compromising or may have the appearance of compromising an employee's objectivity in meeting his/her duties or responsibilities at ASCC, including research and public service activities.

4203 EMPLOYEE CODE OF CONDUCT

American Samoa Community College expects that its employees will meet ethical and professional standards for personal conduct and work performance. All students and employees have the right to learn and work in a positive learning environment which is free of harassment, threats, intimidation, violence or any other misconduct. Any violent, intimidating, threatening or harassing behavior, or

other misconduct, in any form, will not be tolerated in the classroom, workplace, or in any college location.

ASCC's judgment, and not that of any individual employee, is the benchmark for what is acceptable and what is not. An employee's conduct is not made acceptable solely because the employee believes it to be. ASCC expects that its employees recognize that inappropriate conduct, from rudeness to theft, is unacceptable. The decision as to what is inappropriate is left in the President of the College discretion.

4203.1 PROHIBITED CONDUCT _INFRACTIONS

Infractions including but not limited to, violations of college policies, procedures and practices; incompetent or inefficient service; insubordination; illegal acts; willful neglect of duty; or unprofessional or unethical conduct constitute misconduct on the part of the employee. Misconduct will result in disciplinary action and may be cause for **progressive discipline or possible termination of employment**. (see "Standard Schedule of Disciplinary Offenses and Penalties).

4203.2 COMMISSION OF A CRIMINAL ACT

An employee admitting or found to have committed a crime during his/her tenure with ASCC shall forfeit all due process rights, and be terminated immediately. An employee indicted of a crime pending a court case shall be removed from current job to a less critical position or suspended until the case is resolved as determined by the President. ASCC shall not be obligated to pay any legal fees in the case of any employee alleged of a crime or found guilty of committing a crime while employed with the college.

4204 NEPOTISM (EMPLOYMENT OF RELATIVES)

Applications for employment from a close family relative will be considered with other qualified applicants when personnel vacancies occur. Some restrictions in job placement will apply, to prevent problems of supervision, safety, security and morale.

4205 EMPLOYEE PRIVACY RULE

In recognition of the individual employee's right to privacy, ASCC has adopted the following guidelines:

- A. ASCC will request only that information required for business or legal purposes.
- B. ASCC will protect the confidentiality of all personal information in its record.
- C. ASCC will limit the availability of personal information to those agencies with a "need to know".
- D. ASCC will refuse to release information to outside inquiries without the employee's written approval.
- E. Each employee has the right to be given immediate access to personal information regarding his/her official records, and to correct inaccurate information or express disagreement with material contained therein.

F. In addition, under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the major goal of the Privacy Rule is to ensure that an individual's health information is properly protected and strictly observed in a separate file under lock and key and in a room with a secured lock.

G. ASCC will maintain files and records on all its employees, including personnel, leave and attendance, payroll, medical and training records. Employee files will remain in confidential and information will only be released to individuals other the employee for duly authorized or college purposes or if a court or competent jurisdiction orders such disclosure.

H. ASCC will require each employee involved in recordkeeping adhere to these policies and practices, and violations shall result in disciplinary action or possible termination.

4205.1 COLLECTING AND RETAINING PERSONAL INFORMATION

ASCC will follow the requirements of equal opportunity, federal and local regulations regarding the collection of information from job applicants and employees.

4205.2 PERSONNEL FILE

Official employee file containing complete personnel data for each employee is maintained in the Human Resources Department. An employee may at any time schedule an appointment with a representative of the Human Resources Department to review his/her file. Each file shall contain, but not limited to the following documents:

- Employment Application or Vita
- Employment Clearance Documents (Medical/Background Checks/
- Official Transcripts (Required for Faculty & Management)
- Pre-employment Investigation Reports
- Periodic Performance Appraisal Instruments
- Record of Sick and Annual Leave Usage
- Attendance Record
- Salary Increase History (303)
- Contracts & Class Contracts
- Job Description
- Job Classification
- Letters of Designations, Authorized Detail to a Higher Position as "Acting"
- Personnel History (Personnel Action Forms)

Under separate file are: Legal (Investigations, Police Records, Medical Certifications)

4205.3 INFORMATION NOT RETAINED IN EMPLOYEE FILES

A. List of hobbies and outside activities;

B. Marriage certificates, birth certificates or other documents for which ASCC has "no need to know";
and

C. Information on an employee's creditworthiness and financial standing, with the exception of employees in positions that directly deals with college funds.

4205.4 REVIEW OF RECORDS

The Human Resources Department will review each employee's master file annually and purge documents no longer required or outdated information and delivered to the employee. Deans, directors, and supervisors will review their department employee working file before each performance evaluation and destroy outdated and inappropriate information. In addition, managers and supervisors may keep the following information for the record and references:

- A. One year's attendance record;
- B. Professional Training records
- C. Most recent performance evaluations; and
- D. Information related to an employee's job performance since last performance review.

4205.5 ACCESS TO EMPLOYEE MASTER FILE

Access to any employee file is restricted to the following:

- A. Human Resources Department employees in the performance of daily duties.
- B. An individual employee's direct supervisor or appropriate Vice Presidents, Department Dean/Director with a business need to know.
- C. ASCC executives with a business need to know.
- D. Employee who owns the personnel file.
- E. Other agencies conducting an investigation (e.g. FBI/Law Enforcement) when and only approved by the President

4205.6 NOTIFICATION OF CHANGES

ASCC Employees shall inform the college when changes of address, telephone number and/or family status (births, marriage, death, divorce, legal separations, dependents, etc.). It must be reported immediately to the Human Resources Department, as an employee's income tax status and other ASCC employee benefits may be affected by these changes.

4205.7 DISCLOSURE OF EMPLOYEE INFORMATION

All requests for employment verification or job references received by departments should be sent to the Human Resources Department for handling. Except in unusual circumstances, the Human Resources and Business Office should release only the information that has been authorized for release by the employee. Copies of requests for release of information from a personnel file should be maintained in the individual personnel files.

All requests for information about a current, retired, or terminated employee must be referred to the Human Resources Department. The human resources staff upon the consent of the employee may disclose to prospective employers dates of employment, final title or position, and job location up to five-years of employment and salary history while employed with ASCC.

4205.8 FILE RETENTION

Original personnel records of current employees will be filed and secured at the ASCC Human Resources Department. ASCC Archives will retain personnel files for five years after an employee's separation date. Paper copies of personnel records will be digitized on any acceptable database by the Human Resources Department as a backup copy of each personnel record.

4206 OUTSIDE EMPLOYMENT

ASCC employees shall not engage in or accept outside employment or render services with a person, firm, or corporation when such service or employment:

- A. Is incompatible with the proper discharge of the duties and responsibilities of employment or would impair independence of judgment or actions in such employment; and
- B. Involves such hours or work or physical effort that it would or could be reasonably be expected to reduce the employee's quality or quantity of service to the College.

4207 VIOLENCE IN THE WORKPLACE

ASCC encourages a safe campus environment for all employees and students. A safe environment free from acts of threats of physical violence, including harassment, intimidation and other disruptive behavior in the workplace will not be condoned or tolerated. All reported incidents of workplace violence shall be taken seriously and shall be dealt with appropriately.

Violence – for this policy, it is defined as the deliberate and wrongful violation, damage, or abuse of persons or property and includes threats of violence.

“Acts of threats of violence” include conduct against persons or property sufficiently severe, offensive, or intimidating to alter employment conditions or to create a hostile, abusive, or intimidating work environment for any college employee/student. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of both mental and physical harm.

4208 EQUAL EMPLOYMENT OPPORTUNITY & AFFIRMATIVE ACTION

Equal Employment Opportunity

A. ASCC, through responsible administrators and supervisors, shall recruit, hire, train, and promote in all job titles without regard to race, color, national origin, religion, sex, physical disability, age, or status as a disabled veteran, except where sex or age is a bona fide occupational qualification.

B. Management and supervisors shall ensure that all other personnel actions such as compensation, benefits, college sponsored training, transfer, demotion, termination, layoff, and social recreation programs shall be administered without regard to race, color, national origin, religion, sex, physical

disability, age, or status as a disabled veteran, except where sex or age is a bona fide occupational qualification.

C. Management and supervisors shall base employment decision on the principles of equal employment opportunity and with the intent to further ASCC's affirmative action program goals.

D. Management and supervisors shall take affirmative action to ensure that minority group, individuals, females, veterans, and qualified disabled persons and disabled veterans are hired and that these employees are encouraged to aspire for promotion and considered as promotional opportunities arise.

Affirmative Action Statement

A. ASCC provides equal opportunity to all personal without regard to race, color, religion, disability, sex, age, or national origin, and promotes the full realization of this policy through a positive, continuing program of affirmative action. ASCC is committed to equal opportunity for all applicants and staff in personnel matters including recruitment and hiring, benefits, training, promotion, compensation, transfer, and layoff or termination. We strive for a staff that reflects diversity, and will attempt to achieve and maintain a diverse work force. These steps may include, but are not limited to, the following:

1. To pursue our affirmative action program along with regular review by the Board of Higher Education;

2. To ensure ASCC's policy regarding equal employment opportunity is communicated to all staff;

3. To ensure that hiring, promotion, and salary administration practices are fair and consistent with the policy of ASCC;

4. To report to the Board on all activities and efforts to implement ASCC's policy of equal employment opportunities; and

5. To the extent that staff are not diverse, making special recruitment efforts as part of this plan.

B. Each supervisor and member of the management staff must provide equal opportunity for all staff members with regard to work assignments, training, transfer, advancement, and other conditions and privileges of employment, and will work to ensure a continuation of this policy of equal opportunity.

4208.1 AMERICAN SAMOA EMPLOYMENT PREFERENCE

Pursuant to the ASCA 7.205(b) as an integral part of the equal employment opportunity policy, ASCC shall employ residents of American Samoa who are American Samoan or United States nationals, and shall employ other persons only when no American Samoan or United States nationals meet the minimum qualifications for a particular class of work can be found. This is initiated in recognition that it is necessary to identify and deal with discrimination and obstacles to equal employment opportunity, intended or unintended.

4208.2 CONFORMANCE TO FEDERAL PROVISIONS

ASCC shall follow the spirit of ASG's affirmative action plan in its daily operations, but will developed its own Affirmative Action Plan to satisfy the equal employment/affirmative actions responsibilities under Executive Order 11246, as amended, and implementing rules and regulations of the Secretary of Labor. (See Appendix, ASCC Affirmative Action Plan).

4208.3 ENFORCEMENT RESPONSIBIITY for EEO and AAP

The responsibility and authority of enforcement of this policy is vested in the President, who will delegate to the Human Resources Director to coordinate and monitor the enforceability of the Equal Employment Opportunity and Affirmative Action Plan for the college.

4209 AMERICANS WITH DISABILITIES ACT COMPLIANCE

ASCC welcomes applications from people with disabilities and does not discriminate against them in any way. ASCC complies with the American with Disabilities Act (ADA) of 1990, Title I that deals with the hiring, treatment, and accommodation of applicants and employees with disabilities.

4209.1 REASONABLE ACCOMMODATION

ASCC shall strive to provide a safe and healthful workplace for all staff and faculty members, and to make reasonable accommodation to qualified applicants who have a known, protected physical or mental handicap or disability per the ADA. It is the right of ASCC to have the final say on reasonable accommodations – as long as they meet the criterion of effectiveness.

4210 NON DISCRIMINATION

ASCC prohibits discrimination against any person on the basis of race, religion, gender, color, ancestry or national origin, age, political opinion, sexual orientation, marital status, veteran status, or physical or mental disability of otherwise qualified individuals. This non-discrimination policy applies to and includes, but is not necessarily limited to, employment practices, educational programs, student admissions, and access to services. The college will abide by all applicable requirements of local and federal law prohibiting discrimination.

All members of the college community are expected to abide by this non-discrimination policy and to abide by local and federal requirements. Those persons charged with a violation of this policy, if substantiated, may be subject to disciplinary action, including discharge, in addition to the penalties imposed under local and federal law.

The president of the college will implement this policy and notify administrators, professional staff and employees about the policy. The president will also establish procedures to investigate and to process complaints made under the policy.

The college will go beyond avoiding overt discrimination and will, through educational programs, help faculty and staff to become aware of and to recognize more covert and subtle forms of discrimination and to remove those institutional barriers to equality.

In addition, ASCC shall comply with the following discriminations under Title VII of the Civil Rights Act of 1964:

A. Pregnancy Discrimination Act of 1978, which defines Pregnancy Discrimination as Unlawful Sex Discrimination. Pregnancy shall be treated as a temporary disability, and the physical requirements of the job description, the policies pertaining to FMLA and reinstatement of their job after temporary disability must be explained and signed by the employee.

B. Age Discrimination in Employment Act of 1967 (ADEA), as amended, protect individuals, whether employees or job applicants, who are 40 years of age or older, from employment discrimination based on age. Under ADEA, it is unlawful to discriminate against any individual because of their age with regard to any term, condition, or privilege of employment, including, but no limited to hiring, firing, promotion, layoff, compensation, benefits, job assignment, or training.

4211 HARASSMENT/SEXUAL HARASSMENT

ASCC will not tolerate harassment including sexual harassment, which is contrary to basic standards of conduct between individuals and is prohibited by Equal Employment Opportunity Commission and state regulations. All forms of harassment which create an offensive working environment are forbidden, including, but not limited to, insulting, intimidating or discourteous conduct, as well as derogatory jokes or comments relating to race, color, religion, sex, age, disability, national origin, sexual orientation, or other protected status under applicable employment laws.

With respect to sexual harassment, the Equal Employment Opportunity Commission has issued Guidelines defining unlawful sexual harassment as: "Unwelcome sexual advances, requests of sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

A. **Quid Pro Quo** -

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment.

2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

B. **Hostile Environment** - Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

4212 APPEAL AND GRIEVANCE

A. Appeal - ASCC provides an opportunity for an employee to appeal decisions made about their performance resulting in suspension, involuntary demotion, or removal. It is the right of employee to file an appeal to the Board of Higher Education, if an employee believes that the President's decision was inappropriately executed.

B. Grievance - Any employee who has a complaint concerning disciplinary action, denial of promotion, layoff, or discrimination based on a category (i.e., race, age, disability) recognized by local and federal civil rights laws has the right to file grievance per procedures outlined per this policy.

C. No employee of ASCC will be discriminated against, harassed, intimidated, or suffer any reprisal as a result of filing an appeal/grievance or participating in the investigation. If an employee feels that he/she is being subjected to any of the above, that employee has the right to appeal directly to the Board of Higher Education in writing.

D. ASCC should attempt to resolve the problem informally with their supervisor as soon as possible. If a solution cannot be reached, employee with assistance from the EEO Coordinator may present a formal grievance in writing, to the President.

E. All requirements of a grievance must be exhausted including a final decision by the President before an employee may appeal his/her case directly to the Board of Higher Education. In the event of an appeal, the employee must provide a copy of his/her appeal to the President of the College and the Equal Employment Opportunity Coordinator.

F. No employee of ASCC shall breach the grievance/appeal procedures as set forth in this policy, if an employee does not follow the grievance/appeal procedures, they may face disciplinary action up to and possible termination.

4213 EMPLOYEE BACKGROUND CHECK

ASCC Human Resources Department as a requirement of employment, will check the past employers, training, certification, degrees and employment references of job candidates. It will investigate the background of all employment candidates to ensure they are well qualified for the position in which they are applying.

4214 CREDIT BACKGROUND CHECKS

All personnel involved in handling ASCC funds must have records that are free of embezzlement, financial dishonesty, or mishandling of funds. For this reason, ASCC reserves the right to conduct a credit background check at any time in a manner consistent with applicable laws and regulations and to notify the employee within three days that a “consumer credit report” has been requested. It is the intent of ASCC to comply with the Fair Credit Reporting Act and applicable local law and regulations on current and prospective employees.

4215 DRUG AND ALCOHOL

ASCC will not tolerate the use/possession of drugs and alcohol in compliance with federal and local regulations, the following is adopted and will be observed by all employees and students, and is required to sign a standard form provided by ASCC to ensure conformance.

A. USE PROHIBITED

No employee or student of ASCC will use a Schedule I drug of the Schedule of Controlled Substances of the Drug Enforcement Agency or an amphetamine, narcotic, or any other habit-forming drug except where permitted by the Federal Motor Carrier Safety Regulations.

The Schedule I drugs include opiates, opium derivatives, marijuana, hallucinogenic substances, depressants, and stimulants. The exception as indicated above, this means that the employee or student

shall not consume or distribute any of these controlled substances while on or off campus during regular working hours. Any violation of this policy will result in termination.

B. IMPAIRMENT PROHIBITED

No employee or student of ASCC will report for work or class impaired by any drug or controlled substance or alcohol. An employee or student may use a substance administered by or under the instruction of a physician who has advised the employee or student that the substance will not affect their ability to safely perform his/her duties. For any controlled substance that is lawfully prescribed, i.e., that is administered under the instruction of a medical physician; the employee or student will notify his/her supervisor or instructor. Any violation of this policy will result in possible termination.

C. POSSESSION PROHIBITED

No employee of ASCC at any work site will possess any quantity of any unlawful controlled substance or alcohol. For any controlled substance that is lawfully prescribed, i.e., that is administered under the instruction of a medical physician; the employee will notify his/her supervisor prior to the start of the work shift. Any violation of this policy will result in possible termination.

4215.1 EMPLOYEE SUBSTANCE SCREENING

A. Reasonable Cause Test – When there is reasonable evidence to suspect an employee or student has reported to work or class while under the influence, the employee or student may be subject to substance screening. Refusals to submit to such screening will be considered insubordination and the employee will automatically be terminated and the student suspended.

B. Test Results – The test result will be reviewed to determine whether there is any indication of controlled substance abuse. All test results are confidential, and ASCC will consult with a medical doctor to perform drug and alcohol testing of its suspected employee. The results will be picked up and delivered to the Human Resources Director or designee, who will privately consult with management and the President. Test results will not be released to any other person or outside agent without written authorization of the tested individual. Test result will not be released unless in accordance with federal law or a valid government request.

C. Employee Assistance – Although it is not required, ASCC will encourage its employees with substance-abuse problems to seek treatment. An employee voluntarily seeking such treatment for dependency will not, by virtue of seeking treatment, avoid disciplinary action.

4300 EMPLOYEE PERFORMANCE EVALUATION

ASCC strives to foster teaching and administrative excellence for the benefit of students and the public. To promote faculty and staff development and to ensure fair salary and personnel administration, the Board of Higher Education authorizes the college administration to enact procedures to provide an equitable and valid performance review process. Employee evaluations related to performance elements based on unit core work, employee job descriptions, strategic initiatives, college service and professional development goals are administered at regular intervals for all faculty and staff in position control/budgeted positions. In addition to the performance evaluation for faculty and staff in position control/budgeted positions, an evaluation for adjunct faculty will also be maintained by the office of the vice president of academic and student affairs.

4300.1 EVALUATION REPORTING REQUIREMENT

The College requires supervisors to evaluate each of their staff and faculty members at least annually, using the prescribed performance evaluation methods and documents. Staff evaluations are based on the position description and work goals prevailing during the evaluation period. Faculty members are also evaluated on student learning outcomes. Performance evaluations may occur more often than annually under circumstances of unusually strong or weak job performance or completion of special duties or project work. Supervisors are required to complete annual performance evaluations, to review them with the evaluated employee, and to submit signed evaluation forms to Human Resources.

4300.2 EVALUATION COUNSELING _ IMPROVEMENT OF PERFORMANCE

A. The College strives in every case to advise employees early and formally of work performance weaknesses and to work cooperatively with employees under these circumstances to improve work performance. Failure to improve work performance following cooperative measures may lead to more unilateral action by the College, including in the worst cases, termination of employment.

B. While the College strives to avoid it, employment terminations are occasionally necessary. The College maintains proper decorum during the termination process, maintaining strict confidentiality and professional treatment of the employee(s) involved. Supervisors are required to attend training sessions conducted by Human Resources to assure their skills in evaluating work quality and conducting performance evaluations.

C. When they contemplate that cooperative work performance improvement efforts have been unsuccessful and that employment termination is the only alternative, supervisors are required to first contact Human Resources to consult on the termination process. Contact is required prior to addressing the matter with the affected employee(s) or before taking any related action. Human Resources will advise supervisors and the President of the College, if termination is necessary, lead the termination process in order to assure confidentiality, professionalism, and compliance with applicable policies and regulations.

4301 DISCIPLINARY

ASCC uses progressive discipline to ensure staff compliance with performance standards, ethics, and conduct. Except in cases of repeated willful or flagrant violations of these standards, a supervisor will not resort to formal disciplinary measures until informal attempts to correct the problem have failed. If a supervisor finds it necessary to use formal disciplinary measures, it is intended that the discipline be administered fairly, without prejudice and only for cause.

Disciplinary actions are of several levels, including oral and written warnings, disciplinary probation, suspension, and termination. The frequency and/or severity of misconduct determine which level of disciplinary action is required.

Progressive discipline is not required for all offenses. ASCC reserves the right to terminate staff for commission of serious infractions or crime, regardless of progressive discipline guidelines or counseling.

In addition, ASCC will ensure that employees whose performance of their duties or conduct is not satisfactory are removed from their position promptly, that those found guilty of misconduct not sufficiently serious to justify removal be properly disciplined, that voluntary and involuntary separations be handled in an expeditious and orderly manner, and that employees be protected against arbitrary or capricious action. Removal be effected for any of the reasons but not limited to those referred to in these regulations and in the American Samoa Code Annotated: 7.0801 through 7.0807.

4301.2 PROGRESSIVE DISCIPLINE

ASCC shall conduct progressive discipline allowing the employee the opportunity to correct performance conduct or behavior before action is imposed for violation. Usually, but not always, less serious problems, such as chronic tardiness, are the types of situations progressive discipline is designed to address. This can be found in the standard schedule of disciplinary offense and penalties, Policy #4303.

4302 CORRECTIVE ACTION

ASCC shall establish and maintain standards of employee conduct and supervisory practices which will, in the interest of ASCC and its employees, support and promote effective business operations. Such supervisory practices include administering corrective action when employee conduct or performance problems arise. Major elements of this policy generally include:

- A. Constructive effort by the supervisor to help an employee to achieve fully satisfactory standards of conduct.
- B. Correct employee shortcoming or negative behavior to extent required.
- C. Notice to employees through communicating this policy that termination will result from continued or gross violation of employee standards of conduct or unsatisfactory job performance.
- D. Written documentation of disciplinary warnings given and corrective measures or actions taken.
- E. Documentation of corrective action will become part of the employee's personnel record for a period of 12 months if no related disciplinary measures are recorded within that period. Documentation may be retained longer if, in the judgment of the human resources director, it appears appropriate to do so. When it is finally removed from the file, the employee will be notified.

4303 STANDARD SCHEDULE OF DISCIPLINARY OFFENSES & PENALTIES

The Standard Schedule of Disciplinary Offenses and Penalties provides a guide in the administration of discipline. Since the schedule is of the utmost concern to all employees of ASCC, it shall be conspicuously posted for public view. It provides a uniform code of penalties for a reasonably complete list of offenses. The range of penalties is provided to give flexibility dealing with particular situations in a progress manner. In general, after consideration of all circumstances, the penalty assessed should be the minimum which may reasonably be expected to correct the employee and maintain discipline and morale among all employees.

A. *Standard Schedule of Disciplinary Offenses and Penalties* – list the nature of offenses, and the range of penalties for each stated offenses.

4303.1 DISCIPLINARY ACTION, SUSPENSION AND DISMISSAL

The President, or his/her designee, has the authority to warn, reprimand, suspend, or dismiss any employee of the American Samoa Community College regardless of occupation, classification, or profession. Disciplinary action may be taken for causes relating to performance of duties or personal conduct. These causes shall include offense listed in the Standard Schedule of Disciplinary Offense, but are not necessarily limited to:

Performance of Duties

- Non-performance of duties.
- Failure to use proper care in the performance of duties.
- Physical or mental incapability to perform duties when reasonable accommodations are made.
- Failure to maintain satisfactory and harmonious working relationships with the public, employees, and students.
- Improper or fraudulent use of leave privileges.
- Failure to be present for duty at the assigned time and place.
- Failure to obtain or maintain a current license, certificate, or credentials required as a condition of employment.
- Refusal to accept a reasonable and proper assignment from an authorized supervisor.

Personal Conduct

- Disgraceful or gross misconduct that is prejudicial to the college.
- Conviction of a felony or a criminal act that may be prejudicial to the college or detrimental to the performance or integrity of the position.
- Misuse or theft of college funds.
- Careless, negligent, or improper use of, or theft of college property or equipment.
- Submission of falsified information or the omission of material information for the purpose of obtaining employment with the college.
- Participation in action that would seriously disrupt the normal operation of the college.
- Willful damage or destruction of college property.
- Willful acts endangering the lives or property of others.
- Possession of unauthorized weapons on college property.
- Reporting to work under the influence of alcohol or a controlled substance or possessing such items while on campus.
- Acceptance of gifts in exchange for favors or influence related to the college.
- Betrayal of confidential information or tampering with official records.
- Taking part in political management or campaigns prohibited by law.
- Engaging in employment or activities that constitute a conflict of interest.
- Engaging in sexual harassment of employees or students.
- Unprofessional or inappropriate conduct, including unwelcome sexual advances, requests for sexual favors, or other offensive verbal or physical conduct of a sexual nature.

Deliberately or willfully making false or misleading statements in connection with any college business or official records.

4304 EMPLOYEE SEPARATION

ASCC shall separate an employee from employment for reasons as indicated: termination, resignation, absences without leave, layoff due to reduction in force, death, retirement, and discharged. ASCC shall retain this information for reporting and decision making purposes on former employees.

4304.1 TERMINATION ACTIONS

A. Person serving under a temporary appointment may be terminated at any time prior to the expiration of the temporary appointment, but must be terminated on the NTE (not to exceed) expiration date, unless approval has been granted by the President for extension of the appointment.

B. A non-career employee who failed to qualify for a probation or career service appointment to continue employment may be terminated upon notification by the Director of Human Resources to the department that he/she has failed to qualify.

C. An employee who, during a leave of absence, accepts other employment which is contrary to the purpose for which leave is granted may be terminated.

D. An employee who fails to provide the department dean/director with proper notice of resignation may be terminated.

4304.2 RESIGNATION CONDITIONS

At any given time, voluntary resignation is subject to the following conditions:

A. Notice – Employee who voluntarily resigns from their positions at ASCC must provide written notification two-weeks in advance to his/her supervisor of their intent to resign. At the option of the college, such employee may be given two weeks' pay and may be required to discontinue work immediately, in lieu of working during the two-week notice period. The intended effective date of resignation must be specified in the letter. For faculty members who have successfully taught for the 10 months will be paid his/her salary and all benefits up to the end of the school year.

B. Withdrawal – Once submitted, the resignation is binding upon the employee and it may be withdrawn only with the supervisor's consent and approval of the President.

C. In Lieu of Separation for Cause – An employee may resign with prejudice in lieu of removal or while issuance of charges leading to removal are pending. In such instances, the supervisor must indicate the abnormal nature of the resignation on the Personnel Employment Separation Request.

D. Rehire – An employee who resigns without prejudice is eligible for reinstatement at any time, assuming an opening exists and he/she completed the probationary period or if, within the five years preceding the date of the current application, he/she resigned from ASCC in lieu of removal, he/she will compete through regular competitive channels and if selected shall serve a new probationary period.

4304.3 ABSENCE WITHOUT LEAVE – ABANDONMENT OF POSITION

Absence from work for a period of five or more consecutive scheduled workdays without proper written notification or satisfactory excuse given to the immediate supervisor will be construed to be an abandonment of your employment and a voluntary quit.

4304.4 LAYOFF – REDUCTION-IN-FORCE

A. When there is an impending layoff because of lack of funds, curtailment of work, or re-organization? The department dean/director shall notify the President and the affected employee(s) in writing as soon as possible with an advance time of at least 60 days of the layoff, unless cutoff of funds requires a shorter notice period, and this must be stated in writing.

B. The provision of this section concerning placement rights are applicable to career service employees whose positions are to be abolished and to a career service employee who will be displaced by another career service employee. The provisions of this section also apply to a career service employee who is displaced by a career service employee returning from the military duty, furlough, or leave.

C. The President shall exhaust all possibilities in placing the employee within another comparable position before a reduction-in-force is effectuated.

D. If the President is unable to place the employee, he/she shall immediately notify the ASG Director of Human Resources Office, who will place the employee on ASCC's reemployment register, and effect territory wide reduction in force (RIF) procedures. The President will issue the two-week notice of termination and place the employee on ASCC's reemployment register.

4305 EXIT INTERVIEW

ASCC has a considerable investment in its employees. Therefore, it is of interest to the college to evaluate the circumstances surrounding the separation of an employee, whether voluntary or involuntary. Exploring an employee's reasons for resigning or the factors resulting in termination enables ASCC to better evaluate whether the work environment is conducive to employee satisfaction or whether changes can or should be made.

Prior to leaving ASCC upon separation, the employee will schedule an exit interview with the Human Resources Director or a designated representative.

4306 TRAINING PROGRAMS

A. ASCC has an obligation to its employees to utilize and develop the talents and abilities of each employee to the maximum extent. It is therefore necessary to establish and operate programs in order to:

- Improve public service;
- Increase efficiency and economy;
- Build and retain a workforce of skilled and efficient employees; and
- Install and use the best modern practices and techniques in the conduct of government business.

B. Training is designed to provide employees with the skills, training, and experience necessary for their continued development relevant to their job requirements. Training will be subject to the following conditions:

- Each full-time employee may be permitted to attend conferences as funds permit, including registration and reimbursement for lodging, meals, and travel. Attendance at such a conference shall be requested by employee via the Department Dean/Director. The request shall provide an estimated cost of the training. This shall be forwarded to the President via the Human Resources and Chief Financial Officer who will determine the value of the conference, amount of time lost from duties, and cost.
- Each individual who attends an approved conference, seminar, and/or in-service is required to submit a written report summarizing what was covered, the date, and who attended, including a copy of the certificate of completion if applicable for inclusion in their personnel record.
- All training pertaining to employee development such as: Federal regulatory training (EEO, Safety, FLMA, Sexual Harassment, Discrimination, Employee Rights, and including other training for computer skills, basic leadership, will be coordinated and conducted by Human Resources Department. College courses will require Human Resources review and recommendation for approval by the Department or President's approval prior to attending and to be inclusive in the employee's official record.

4306.1 TRAINING RECORDS

ASCC will prepare documentation in official personnel records, letters of completion for individuals completing satisfactory any approved employee training.

4306.2 EMPLOYEE TRAINING DEVELOPMENT

ASCCC is committed to providing quality instructions and services to the American Samoa Community. The following guidelines have been developed to ensure a successful attainment of training and development objectives.

- A. The needs of the college supersede the needs of an employee. The current emphasis will be to allow employees to take classes which have a direct bearing on their job responsibilities so that the training will directly benefit the college.
- B. Professional development priority will assist career service faculty over five years and have been able to attain certification and or the minimum of a Master Degree.
- C. Contract workers or part-time temporary employees are not eligible for professional development benefits. These benefits are aimed at developing knowledge and skills for employees who will return to ASCC and serve its purpose. Applicants must be US National, US Citizens or permanent residents of American Samoa.
- D. ASCC will provide financial assistance for professional development and training upon availability of funds.

- E. Employees of ASCC who have completed the probationary period is eligible to take one 3-credit course per semester. This is good only for one semester. It cannot accumulate over a period of time.
1. Approval of the immediate supervisor is required.
 2. Human Resources will be responsible in tracking service years rendered.
 3. Meeting years of service and approval is required for registration.
 4. ASCC pays for tuition for the department budget.
 5. This is not an entitlement but a benefit to meet a need of ASCC as approved by the supervisor.

4400 ATTENDANCE & TIME REPORTING

ASCC employees are expected to attend work regularly as a basic condition of employment and to report attendance established by department supervisors. The attendance shall be reported to Human Resources for their daily manpower report to the President.

A. Employees are to be at their work stations at the beginning of the workday and return promptly after lunch. Employees who are consistently late reporting to work or returning from lunch may have disciplinary action taken against them.

B. Employees who are delayed reporting to work due to emergencies are expected to contact their supervisor or department within half an hour from the time that they were to report to work.

C. All employees must notify their department/supervisor of their expected lateness or absence and provide a reason prior to the beginning of the employee's shift. Subsequent written documentation supporting the reason for lateness or absence may be required. Except in rare and unusual cases, a failure to report prior to the beginning of a shift will render the lateness or absence "unexcused", regardless of any later justification or reason that may be offered. An excuse will not be given until the reason is properly considered by the supervisor; reporting of attendance will not be an automatic excuse.

4400.1 MAKING UP TIME

An employee who reports to work late should make every effort to make up the time on the same day. Time lost during any one payroll period because of tardiness or absence must be made up during the same period.

4400.2 DOCKING OF PAY

Employees who are consistently late in reporting to work may have their pay docked under certain circumstance. Employees whose cumulative absences from work adds up to thirty (30) minutes or more in one work week may have time deducted from their paycheck upon approval by their Department Dean/Director.

4400.3 TIME REPORTING

All employees including those on career service, temporary, and contracts must record their attendance on a bi-weekly timesheet. The hours reported must accurately reflect the actual time that employees

report to and leave the workplace each day. Timesheets shall be signed and delivered to the Human Resources Department on the day and time established as the due date. All reports will be submitted using ASCC HR 4400 (10/06), unless timesheets required additional information as for allocation of cost to the program, authorization for compensation/overtime.

4400.4 TIME CLOCKS

At the discretion of the Dean/Director of there department, some employees may be required to punch a time clock to record their attendance each day. In most instances, employees who punch a time clock will be required to punch their time cards at the beginning and at the end of each work day, and during their lunch break when leaving the campus. Each employee is required to personally punch his/her own time card. Failure to punch in or punch out at the assigned clock location or to follow clocking instructions may result in time being docked. Employees are specifically prohibited from punching another employee's time card. Violation of this policy will result in disciplinary action.

4402 WORK SCHEDULE (Traditional)

Work schedules will be defined in the letter of appointment. Employee's should be at their desks ready for work, on time. Office hours are from 7:30 AM to 4:00 PM. All employee's are entitled to a 30-minute lunch break and two 15-minute coffee breaks, one in the morning and one in the afternoon. Employee shall be notified in writing of any changes to this schedule.

Exempt staff (career services, contractors on annual salary-nonpayment of overtime) may be required to work beyond the designated work schedule in order to adequately fulfill their duties.

Staff/faculty finding they are unable to report to work on time or unable to report for a full day must inform their supervisor within 15 minutes of the beginning of their work shift. Good and sufficient reason must be provided for any tardiness or absence.

4403 WORK SCHEDULE (Alternative)

An alternative work schedule offers another option for working hours, and it applies to all regular full time employees working a regular forty (40) hours a week, Monday through Friday. Provided they fall under the following condition: If an employee's performance is negatively affected by the regular work schedule, and the alternate work schedule does not disrupt the operations and mission of the college.

4404 BREAK PERIODS

Full-time, non-exempt employees are to be granted two work breaks during the workday. These work breaks are to be limited to not more than 15 minutes each and should not be allowed earlier than one hour after the beginning of the workday or later than one hour before the close of work day. Employees who are less than full time should be allowed work breaks based on their work schedule.

Specific times for taking work breaks by an employee will be contingent on the workload at the discretion of the supervisor.

If for any reason the employee is unable to take a work break during the workday, the break time will not be carried forward so as to become cumulative and taken at a later time. In work situations where

there are built-in work breaks, where due to the nature of the work being performed, the employee will be idle from time to time during the workday, regular work breaks are not expected to be granted.

Should an employee be on a work break and be asked to return to his/her workstation due to an emergency or any other valid reason, failure to do so will be justification for appropriate disciplinary action.

4405 SMOKING

ASCC offers a smoke-free work environment to all employees. No smoking is allowed inside any of the college buildings or along structured corridors. The designated smoking area on the grounds are located outside building perimeters as designated by the Administrative Services Department, and other outside open areas at least 10 feet from the buildings where a smoking canister is located for disposing of cigarette debris. Smokers are responsible for keeping the area clean and free of smoking debris. Violation of this policy shall result in disciplinary action.

4406 APPROPRIATE DRESS

ASCC employees are expected to exhibit a neat, well-groomed appearance and in accordance with the prescribed guidelines by the President of the College:

These guidelines are broad and based on discretion of the President of the College. Radical departure from conventional dress or personal grooming includes, but not limited to:

- tasteless excessive makeup
- untrimmed facial hair
- unkempt long hair
- short dresses, skirts, and shorts (1" below the buttocks)
- tank or revealing tops (e.g. halter tops, see-through shirts/skirts)
- T-shirts advertising obscene and unlawful products
- Clothing worn that exposes the midriff, derriere or any other parts of the body that can be reasonably be construed as obscene.

ASCC will not be held liable for damage to clothing or accessories while the employee is on duty. If the supervisor decides that the employee is in violation of the dress code, the employee will be asked to go home and change. The time required to do this is unpaid.

4407 PERSONAL TELEPHONE CALLS

Personal use of ASCC telephones for local/long distance calls by an employee is prohibited, except in the case of an emergency.

4408 POLITICAL ACTIVITY

ASCC encourages its employees to take an active interest in government and to participate in political affairs. All employees have the right to express their opinions on political issues and candidates and are also encouraged to exercise these rights. However, such activity is subjected to these conditions.

A. Nonpartisan position of the College – No action will be allowed by any person that infringes on the right of any employee to decide which candidates or positions to support. ASCC will not endorse or contribute to any political candidate, party, or cause.

B. Individual Actions – No employee is allowed to give the impression that any political action or position represents the College. All political activities are to be done as the actions of individuals, on their own time, away from ASCC's facilities.

C. Contributions – No employee is allowed directly or indirectly to coerce, attempt to coerce, command, or advise any other employee's to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purpose.

D. Employee's Seeking Elective Office – Employee's who wishes to seek elective office should inform their supervisors and the President. Subject to the requirements of law, ASCC grants unpaid personal leave to the employee who is seeking elective office, for the purpose of campaigning for and fulfilling the responsibilities of office, if elected. Employee who is granted leave under this policy must comply with ASCC's policy for unpaid political leave in its entirety.

4409 PERSONAL MAIL

ASCC employee's shall not use ASCC as their personal mail address. All mail, including personal mail, delivered to this address will be opened and routed to the addressee. Personal mail should be delivered to an address other than the College's. For a first violation of this policy, an employee will be advised by the Human Resources Department to change their address and will be warned that subsequent violations may lead to further disciplinary action, up to and including suspension. An employee will be allowed 30 days for personal mail to be delivered to a new address before further disciplinary action is taken.

4410 ACCEPTABLE USE OF ASCC E-MAIL AND INTERNET SERVICES

ASCC's e-mail system is the property of the College and is intended solely for conducting college business. All messages transmitted via e-mail will be treated as business messages. Any employee who sends a personal message on the system should be aware that it will not be considered a personal, confidential message of the employee.

Use of the Internet is strictly intended for business purpose and must not be used for personal reason or entertainment. Use of the Internet for personal business may result in the loss of that privilege, or discipline. Further, the college will not tolerate individual abuse through the accessing of chat rooms, pornographic, or other inappropriate materials. Such action may result in discipline of the employee. Employees should be aware that Internet use is not private and may be monitored or retrieved by the college, and employees waive any right to privacy in connection therewith.

4411 ACCEPTABLE AND THE SAFE USE OF EQUIPMENT & PROPERTY POLICY

Employees of ASCC will not directly or indirectly use or allow the use of property, equipment, or supplies belonging to the college or located on ASCC premises for any purpose other than college business, unless special permission is obtained from the President. Further, no employee shall willfully alter, mutilate, abuse, or waste any property, equipment, or supplies belonging to ASCC or located on

college property. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles can result in disciplinary action, up to and including termination.

4500 EMPLOYEE LEAVE

ASCC recognizes that family or individual circumstances, official judicial or military obligations, and/or professional growth opportunities may require absence from the work place. For these reasons, the college offers a variety of leave categories which deal with matters such as vacation, bereavement, military service, illness and disability, Family and Medical Leave Act events, holidays, faculty and staff development, jury duty and court appearances. All leaves require the appropriate documentation and supervisory authorization, and the college reserves the right to request verification of the purposes for which certain leave is taken. In addition, each procedure defines the particular automatic leave sequence or the order in which leave will be used if not specified in advance by the employee.

4500.1 ANNUAL LEAVE

ASCC encourages and requires each employee to take annual leave entitlement as paid time off away from work. ASCC does not provide vacation pay unless vacation time is actually taken as time off from work, or upon separation. ASCC's leave policies are in accordance with ASCA Title 7, Chapter 12.

A. Accrual of Leave - Employees receiving annual leave benefits shall be entitled and accrued as follows:

1. Four (4) hours for each full biweekly pay period in the case of employees less than three (3) years of creditable service.
2. Six (6) hours for each full biweekly pay period, except that the accrual for last full biweekly pay period in the year is ten (10) hours, in the case of employees with three (3) but less than 15 years of creditable service.
3. Eight (8) hours for each biweekly pay period in the case of employees with 15 years or more of creditable service.

4500.2 GRANTING OF ANNUAL LEAVE

Annual leave must be requested and approved prior to its taking. Failure to secure prior approval may result in a charge to leave without pay and may result in disciplinary action against the offending employee. The ASCC application for leave must be completed three days before an employee may take leave. One day of approval is only allowed when the leave is justified. The authorized personnel to sign are as follows:

1. Short periods of leave five days or less is generally the responsibility of the immediate supervisor, who best know whether the leave requested is compatible with the workload.
2. Extensive periods (2 weeks) of annual leave may be recommended by the immediate supervisor but require approval by the Department Dean/Director.

3. All other requests of more than two weeks will be recommended by the Department and approved by the President of the College.

A copy of the approved annual leave must be forwarded to HR for inclusion in the personnel record.

4500.3 CREDITABLE SERVICE YEARS

Creditable service years shall include all time spent as a career service employee of the government and all time spent on active duty status with the armed forces of the United States, but for an employee who is a retired member of any of the uniformed services, creditable service will be 5 years from the effective date, and must be supported by a DD214 form.

4500.4 LEAVE ENTITLEMENT

A. An employee of ASCC shall be entitled to annual leave under this section only after having been employed for a continuous period of 30 days under one or more appointments without break in service. In any case in which an employee completes a period of continuous employment of 30 days, there shall be credited to him/her an amount of annual leave equal to the amount which, except for this subsection would have accrued to him/her under Policy 4500 during such period. Leave will also be accounted and accrued during time personnel is on 80 or more hours of approved leave.

B. An employee who has annual leave to his/her credit and who is separated from employment with ASCC is entitled to payment of accumulated, accrued annual leave in a lump sum.

4501 SICK LEAVE

Sick leave is for use when an employee is physically incapacitated to perform assigned duties, or for related reasons as exposure to a contagious disease that would endanger the health of co-workers, presence of contagious disease in an employee's immediate family which requires his/her personal care. Sick leave may also be used by an employee for health care appointments that cannot be scheduled at times other than during regular working hours.

4501.1 GRANTING OF SICK LEAVE

ASCC officials with the authority and responsibility to determine that the nature of the employee's illness/injury is justified, sick leave must be granted. It is mandatory that an employee furnish documents or evidences in the form of a medical certificate for periods of sick leave in excess of three (3) consecutive workdays or less upon the discretion of management. The employee is responsible to notify their immediate supervisor as soon as possible of foreseen sick leave. Required medical certificates shall be submitted together with Leave Request Authorization form. When an extended length of absence is due to illness, the employee must again notify the immediate supervisor of any need for time off under the Family and Medical Leave Act if applicable. ASCC may request and obtain verification of the circumstances surrounding any use of sick leave.

4501.2 ADVANCED ANNUAL AND SICK LEAVE

A. An employee may draw upon anticipated annual and sick leave credits if current credits are exhausted. This request shall be made to the President with these requirements and limitations:

1. The advance will be made based upon anticipated accrual of credits up to 15 annual and 30 sick leave days. If the employee has a planned termination date which will affect the accrual, the number of days which can be advanced will be reduced accordingly.

2. The advance will not be authorized automatically. The following factors will be considered prior to approval.

a. History of annual and sick leave usage.

b. Certification from a medical doctor on fitness to return in a reasonable time.

c. Is the best interest of the college and employee served through this action?

d. What circumstances warrants continuing employment allowing the employee to earn annual and sick leave credit? Length of service, performance record, essential nature of services, and circumstances beyond their control should be cited (pregnancy do not generally qualify).

4501.3 MATERNITY LEAVE

Maternity Leave is approved for a period due to incapacitation related to pregnancy and confinement chargeable to sick leave or any combination of sick, annual, and leave without pay, in the order given.

A. Employee must request maternity leave in advance of their intended absence so that staffing adjustments can be made.

B. Periods of maternity leave shall be based on individual medical determination. A medical certification must be submitted showing expected date of confinement. Maternity leave may be granted for a period of 6 weeks prior and six weeks subsequent to birth.

4502 FAMILY MEDICAL LEAVE

The Family Medical Leave Act (FMLA) of 1993 was designed to help an employee keep his/her job while taking time off for major medical and family events. An employee of ASCC is eligible for FMLA leave if he/she has worked for the college at least one year and at least 1,250 hours during the previous 12 month period or the calendar year. FLMA leave generally considered unpaid leave. However, an employee may use accrued annual leave, sick leave, or earned time while on FMLA leave until it has been exhausted.

4502.1 INTERMITTENT OR REDUCED LEAVE SCHEDULE

An eligible employee may take FMLA leave on an intermittent or reduce leave schedule basis whenever medically necessary. If an employee takes FMLA leave for the birth of a child, to care for a newborn, or to care for a child placed for adoption or foster care with the employee, the employee may only take leave on an intermittent or reduced leave schedule basis with the President's approval. ASCC reserve the right to temporarily transfer an employee who takes FMLA leave on an intermittent or reduced leave schedule to an alternate position (with equivalent pay and benefits) in order to better accommodate employee's schedule.

4502.2 WHEN FMLA LEAVE ENDS

An eligible employee returning to work from FMLA leave has the right to return to the same or equivalent job on the same shift and at the same work site without loss of any employment benefits accrued as of the date the employee's leave began at ASCC. However, if the employee cannot perform an essential function of the job because of a physical or mental condition (including the continuation of a serious health condition), the employee is not entitled to be restored to the same or equivalent job. In such cases, ASCC will make every effort to provide the employee reasonable accommodation per the American Disabilities Act.

4502.3 MEDICAL CERTIFICATION

A. Medical Certification Records – The Human Resources Department shall maintain all Medical Certification forms, other records and documentation relating to the medical certifications, recertification, or medical histories of the employee or employee's family member that are created for FMLA leave purposes as confidential medical records in separate file from the usual employee record in compliance with HIPPA.

B. Information Shared with Supervisors and Other Personnel – The Human Resources Department may inform an employee's supervisor about necessary restrictions on the employee's work or duties and necessary accommodations. In addition, the department may inform first aid and safety personnel (when appropriate) if the employee's physical or medical condition might require emergency treatment.

C. Fitness for Duty Certification – An employee who takes FMLA leave because of serious health condition must provide fitness-for-duty medical certification before returning to work.

D. Deadline for Providing Medical Certification – An employee must provide a completed Medical Certification form with 15 calendar days of the ASCC's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good-faith efforts.

E. Questions Regarding Medical Certification – If ASCC needs clarification regarding an employee's completed Medical Certification form that has been signed by the employee's health care provider, a health care provider representing ASCC may contact the employee's health care provider, with the employee's permission, for the purposes of clarification.

F. Adequacy of Medical Certification is Questionable – If ASCC has reason to doubt the validity of a medical certification, the college may require the employee to obtain a second medical opinion.

4503 PROFESSIONAL DEVELOPMENT LEAVE

ASCC is committed to providing quality instructions and services to the community. To this end, the important of an on-going professional development program for instructional and administrative personnel is essential. The following guidelines are provided to implement the provisions of the Professional Development Leave Policy, ASCC.

A. Professional development leaves shall not be granted for purposes traditionally associated with sabbatical leaves, i.e., those related to scholarly accomplishment and contribution to knowledge within disciplines or fields of study. By contrast they shall be directed to: enhancement of the effectiveness of

the educational processes of the college; improvement of the professional performance of employees in carrying out assigned responsibilities; and, retraining and reorienting employees for new roles within ASCC.

B. The duration of a professional development leave shall be governed by the requirements of the proposed activity, but shall not exceed one calendar year. Normally a leave shall not be granted for a period of less than one academic term.

C. The work of a person who is granted professional development leave shall, during the period of the leave, be absorbed by the unit to which he/she is assigned.

D. An application for professional development leave shall present a precise description of the purpose of the leave; the activities to be pursued; and, the nature of anticipated additional financial assistance outside the college, if any. It shall also include a statement that the applicant recognizes an obligation to return to ASCC for a period of service at least equal to the leave, if granted.

E. The application and supporting materials, if any, shall be submitted to the immediate supervisor of the applicant, i.e., to the chairperson, or dean, or, in the case of administrative staff personnel, to the director.

F. At each level of review, the appropriate administrative officer shall append a statement of approval or disapproval together with reasons for such determination, and shall notify the applicant of the action taken. The Vice President concerned shall notify the applicant of the final decision.

G. The President will grant approval, the department or other unit to which the applicant is assigned shall initiate the necessary change of assignment.

H. Persons who are granted professional development leaves for the purpose of pursuing a program of study leading to credit either at ASCC or at other colleges or universities shall submit official transcripts of work accomplished. Such transcripts shall be submitted to the appropriate Vice President at the conclusion of each academic term in which the recipient of professional development leave is enrolled.

I. Those persons who are granted professional development leave for the purpose of serving internships or participating in other forms of in-service professional training which do not carry academic credit shall submit periodic progress reports to the Vice President, in accordance with a schedule to be determined at the time leave is granted.

J. The recipient of a professional development leave shall, at the conclusion of such leave, and in no case later than six months following completion, submit a written report to the Vice President of activities undertaken during the leave and consequent accomplishments.

4504 LEAVE OF ABSENCES

Leave of absence without pay may be granted to employees to maintain continuity of service on instances where unusual and unavoidable circumstances require prolonged absence.

There will be no loss of creditable service time with ASCC as a result of the leave of absence, but no benefit credit will accrued toward annual and sick leave entitlement for the duration of the leave.

It shall be the practice of ASCC to grant leave without pay only when it will be of mutual benefit and interest to the college and the employee. Leave without pay shall not be granted for purpose of an employee participating in private employment..

4504.1 EXTENDED LEAVE WITHOUT PAY

This leave requires the prior approval of the President when properly justified by the department submitting the request. Extended leave without pay will be granted in the following circumstances:

A. Attendance at a recognized institution of higher learning or a technical school, pursuing a course of instruction which is related to the employee's field of work. (see Policy # 4503, Professional Development Leave).

B. Travel and/or research which will impart knowledge, skills, and/or abilities required in the employee's work.

C. Extended illness with a positive prognosis, or family or personal problems, an end of which can reasonably be predicted. (see Policy #4502, Family Medical Leave Act).

D. To work for another agency of ASG or another government on a loan basis, where there is no agreement under the Inter-Governmental Personnel Act. The request for the services of the employee must be made through the Governor's office, in writing.

E. To serve a required period of military service beyond the 15 days which are authorized for pay purposes. The military duty must be for periods of time not to exceed one year and must be categorically mandated, as in the basic training period required for a recruit in the Armed Forces reserves. Leave cannot be granted for voluntary extensions or re-enlistments.

F. To protect employee status and benefits when an employee is injured and his/her case is being adjudicated or he/she is receiving benefits under worker's compensation.

4504.2 POLITICAL LEAVE

Political leave is leave without pay, and shall be freely granted to any ASCC employee for the purpose of campaigning as a candidate for public office in American Samoa for a period beginning 30 days before and ending 10 days after the established election date.

4504.3 EXCUSED ABSENCES

ASCC may approve excused absences per the following guidelines:

A. Employment Examination - To take an employment examination for a position currently occupied, or one to which the employee may be promoted or reassigned, not to exceed three (3) hours;

B. Physical Examination - To take a physical examination required to determine continued employment;

C. Medical Treatment - To obtain treatment for an injury sustained in the performance of duty. The employee may be excused for the remainder of the day on which the injury occurred;

D. Tardy - To be unavoidably absent from duty for less than one (1) hour, or for being tardy;

E. Donate Blood - To donate blood to the American Red Cross in American Samoa or in emergencies to individuals from the time necessary for such donations, not to exceed four (4) hours, provided that employee does not receive pay for blood;

F. Emergency Rescue Exercise - To participate in emergency rescue or protective work at the request of local or territorial officials;

G. Civil Defense Program - To participate in federally recognized civil defense programs for a reasonable length of time up to forty (40) hours in a calendar year.

H. Register to Vote - To vote and register in an election or in a referendum on a civic matter in his/her community may be granted time off without loss in pay or service credit or charge to leave as follows:

I. Jury Duty/Witness - To serve a witness or juror when summoned involuntarily by the court, provided he/she returns to duty immediately upon release by the court. However, if the employee's appearance in court is in his/her own interest, either as appellant, defendant, or witness, leave of absence with pay, without pay, or compensatory time off must be authorized and documented. An employee called as a court witness in his/her government or a private party, is in an official duty capacity.

4504.4 UNAUTHORIZED ABSENCE

Unauthorized absence shall be treated as absence without pay and may be grounds for disciplinary action.

4504.5 EXCUSED ABSENCES NOTIFICATION

A. Approval - Deans and Directors may approve an absence without pay, with benefits continuation for a period not to exceed two weeks. An absence without pay would be for reason noted in section 4504.1 and 4505.2.

B. Employee Responsibility – An employee should give the supervisor advance notice of absence whenever possible. A Leave of Absence Without Pay Notification, ASCC HR 4504 (10/06) must be completed and approved by the Dean/Director of the Department, a copy must be submitted to the Human Resources Department, and the Office of the President.

4504.6 REPORTING OF ABSENCES

A. An employee who is unable to come to work must notify his/her supervisor not the Security personnel of ASCC before the regular work shift begins or, at the latest, within 30 minutes, so

arrangements can be made to cover essential activities. Accurate reporting of attendance is required by ASCC policy and law. Absences are recorded on employee's time sheet, or leave report.

B. Absence from work without notification to the supervisor or another member of the department may be considered job abandonment and voluntary termination.

4505 WORKER'S COMPENSATION

It is ASCC's objective that all employees receive benefits provided under the workers' compensation law against loss of income due to injury or death that occurs during work activities. Employee must report all job-related accidents, injuring, and illness immediately after experiencing symptoms. Employee's eligible for sick leave is entitled to benefits under this policy.

4505.1 MISHAP/INJURY REPORTING

A. Any employee injured on the job will report the injury immediately to his/her supervisor, regardless of whether the injury is minor or of no apparent significance.

B. An incident report will be completed promptly by the supervisor to ensure documentation and expedite compensation, using the Accident Report Form, ASCC HR 4505 (10/06).

C. Failure of an employee to document job-related injuries may result in disciplinary action. Reporting job-related injuries protects both the college and its employee.

4506 HOLIDAYS

The college shall observe the following public holidays as designated by statute, and any other day off established by a Governor's proclamation. These holidays are considered official paid holidays for ASCC employees:

<u>HOLIDAY</u>	<u>DAY OBSERVED</u>
New Years	1 st of January
Martin Luther King Day	3 rd Monday in January
Washington's Birthday	3 rd Monday in February
Good Friday	Friday before Easter Sunday
American Samoa Flag Day	April 17 th
Memorial Day	Last Monday in May
Independence Day	July 4 th
Manu'a Island Cession Day	July 16 th
Labor Day	1 st Monday of September
Columbus Day	2 nd Monday in October
Veteran's Day	2 nd Tuesday in November
Thanksgiving	4 th Thursday in November
Christmas Day	December 25 th

4506.1 HOLIDAY OBSERVANCE

A. For employee with regular working days on Monday – Friday, if the holiday falls on:

ACTUAL HOLIDAY

Saturday
Sunday
Workday

OBSERVED ON

Friday preceding the holiday
Monday following the holiday
On that workday

B. For employees with workdays other than Monday through Friday, if a holiday falls on a:

Day off
Workday

1st workday after the day-off
On that workday

4507 BEREAVEMENT

One to five days, at the discretion of the President, may be allowed for a death in the immediate family of a full-time career service employee of ASCC. Criteria for the amount of time off allowed encompass a variety of factors, including but not limited to, the need for off-island travel and responsibility for handling, funeral arrangements.

Up to two days at the discretion of the President, may be allowed for a death of specific other family members. This includes the following: son/daughter-in-law, mother/father-in-law, brother/sister-in-law, grandfather, grandmother, aunt and uncle.

In the event of a death of a significant other, close personal friend, or relative not name in the immediate family list, the employee may request immediate leave time of up to five days at the discretion of the President, or chargeable to annual leave.

4508 RETIREMENT BENEFIT

ASCC employee (career service) is eligible to receive retirement benefits through the American Samoa Government Employee Retirement plan as specified by Title 7, Chapter 14, ASCA.

4600 ESTABLISHMENT OF CLASSIFICATION & PAY SYSTEM POLICY

In keeping with the objectives of the American Samoa Code Annotated, Title 7-Chapter 4, the President shall develop and maintain an agency-wide classification and pay system based on objectives consistent, and assignment of positions to pay grades so as to compensate employees in equitable relationships to each other and to contribute to the attraction and retention of employees. The system so established or any portion thereof may be extended to non-civil service positions as required by law or for the good of the college

4601 EXEMPT/NON-EXEMPT EMPLOYE STATUS

All positions in ASCC will be classified as either exempt or non-exempt in compliance with the Federal Labor Standard Act and local statues and for pay administration purposes.

A. Basically nonexempt employees are hourly wage earners or those who are “on the clock.” Federal requires overtime payment (time and half) when they work more than 40 hours in any one week. The law also says that the employer cannot offer them compensatory time in lieu of overtime.

B. Exempt employees are usually salaried, and no federal or local law requires the employer to pay them overtime or offer compensatory time. The President will determine in advance which option to grant these employees – overtime, compensatory time, or nothing. (See Compensation/Overtime).

4602 POSITION CLASSIFICATION SYSTEM

The President shall develop and maintain a position classification system which shall provide for the placement of each position into an appropriate class, and Human Resources shall monitor the system per the established guidelines. This includes:

- A. The establishment of written class specifications/employment category which describe each of the various classes within the classification plan in terms of the nature, variety, and level of duties and responsibilities, and the minimum qualifications required to perform adequately;
- B. The establishment, revision, or abolition of classes in order to maintain the plan on a current basis;
- C. The establishment of official class titles;
- D. The changing of any position from one class to another class whenever warranted by significant change in position duties and responsibilities or class definition, or to correct error;
- E. The auditing of positions in order to ascertain that current positions are correctly classified.

4602.1 CLASSIFICATIONS

All career service employee positions shall be evaluated annually, classified and compensated to insure the concept of “equal pay for equal work” based on the essential functions of each job. Classification or reclassification of vacant or filled positions is subject to availability of funds.

Classification/Reclassification of positions for consideration must be submitted to the Human Resources Department for processing prior to March 31st for inclusion in to the next annual budget.

4602.2 EFFECTIVE DATE OF CLASSIFICATION ACTIONS

- A. The effective date of an initial classification action shall be the date action is officially taken to classify the position.
 - B. The effective date of any subsequent classification action shall be the beginning of the period immediately following the date of notice of action, except that the date may be adjusted by the President in the event an incumbent fails to meet the qualification of the class, for budgetary reasons, or for other good cause.
 - C. The effective date of a classification action when a classification and/or compensation survey is initiated by the President shall be the date action is officially taken, or such other date as the President deems practicable.
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4602.3 ADMINISTRATIVE REVIEW

An administrative review may be requested by an employee or designated representative or by the department head within 20 days after the effective date of classification or reclassification action.

A. The request for administrative review must be in letter format to the President via the department head and immediate supervisor. The contents of the letter shall contain the specific reason(s) for disagreement with the classification action of the President, and shall state the action requested and the reason the requested action is deemed more appropriate.

B. A request for administrative review must be received no later than ten days from the date of the notice of classification.

C. The President shall take appropriate action to review the classification and notify the department of the final decision.

4602.4 JOB DESCRIPTIONS

A. ASCC shall maintain current job descriptions covering each position authorized in the college. Position descriptions must be provided for all newly established and revised (reclassified) staff and faculty by each department to Human Resources.

B. Human Resources will schedule an audit each job description annually prior to June of each year to ensure validity of the position and justification of salaries for the proposed annual budget.

4603 WAGES

ASCC shall strive to pay wages competitive with those in our community and industry, recognizing individual effort and contribution to ASCC's success. Wages may be determined in promotion, and advancement with a job family as indicated below:

A. Promotion – is a change in status for an employee to a higher grade position.

B. Job Family – A hierarchy of position involving work of the same nature but requiring different levels of skills and responsibilities. For example, accountant, technical accountant, senior accountant, etc. Job families do not extend to the supervisor or management level of hierarchy.

4603.1 ASCC GENERAL PAY SCHEDULES

The Board of Higher Education shall approve changes to the ASCC Pay Schedules. Human Resources retains a copy of the most recent ASCC General Pay Schedule, and copies distributed to Dean/

Directors/Department Supervisors for informational purpose.

4603.2 PAY SCHEDULE PLACEMENT

A. Initial Appointment.

1. All initial appointments shall be made at the first step of the appropriate pay range of each of the two salary schedules except that, in the event that recruitment of an employee is not practicable at the first step, the President may, after appropriate notice and advertising, recruit at any step within the pay range which will attract qualified candidates.

2. Requests for payment above the minimum may be made by department deans/directors prior to or at the time of appointment but in any event must be made no later than 60 days after date of appointment date. Requests received after the date of appointment, if granted, will not be granted retroactively.

B. Reassignment.

1. An employee who is reassigned shall receive the same rate of compensation as he or she presently receives, except that in case of a reassignment from one salary schedule to another salary schedule, the pay rates governing initial appointment shall apply.

C. Reinstatement.

1. When an employee is reinstated within a year of separation from ASCC or government service, he or she may be paid at any rate within the pay range which does not exceed his/her highest previous rate of pay, provided that where such rate falls between two steps of the grade to which reinstated, he or she may be paid at the higher step.

2. The rules governing initial appointment shall apply only when an employee eligible for reinstatement has been separated for at least one year from ASCC or government service.

3. Returning Veteran. An employee who meets the requirements for reemployment as specified in the Veteran's Preference Act of 1944, as amended, and who is re-employed in his/her former position, shall have his/her rate of pay set at the step he or she would have received and his/her service with ASCC or the government continued. If re-employed in a different position, the pay governing initial appointment shall apply.

4604 CAREER PROGRESSION

Supervisors may provide salary increases to career service employee who, by virtue of increased job assignments, motivation, initiative, and abilities, are regularly assigned and held accountable for significantly more complex projects, assignments, and responsibilities within their current job titles. A career service employee must have performance levels that exceed the requirements of the job to be eligible for step increase for a career progression within classification.

The following principles should be used to guide the implementation of the step increases within classification policy:

A. Step increases for the "satisfactory" performer can be granted in other types of salary increases not from career progression within classification.

B. Step increases for those “exceeding job requirements” can be granted in merit increases, career progression within or outside classification, and other types of salary increases.

C. Factors to consider in determining an individual’s salary through career progression include experience in the position (or related experience beyond the minimum required by the position), education beyond that required by the position, mastery of job elements, performance level over time as documented through performance evaluation, size and complexity of the department, and authority delegated to the position.

D. Each department can make career progressions within classification for eligible employees one time during the fiscal year as determined by the department.

4604.1 STEP-INCREMENT INCREASES FOR LENGTH OF SERVICE

A. Every employee is entitled to an annual step-increment increase at the beginning of the pay period immediately following his/her service year preceding such increase if the performance of duties is satisfactory.

B. The compensation for an employee, denied an increment because of substandard performance, may subsequently be increased as of the date the performance has been brought up to standard and has so continued for a 3-month period. The employee’s increment anniversary date will be adjusted accordingly.

C. If no performance evaluation is received by Human Resources department, no increment will be processed.

D. When the date of promotion and the period step-increment date coincide, the periodic increment shall be made prior to the promotional increase.

4605 OVERTIME

The President shall establish internal procedures for the review and approval of overtime. Overtime work shall be authorized only when absolutely necessary for nonexempt employee. They may not be permitted to work more than 40 hours during a work week unless the additional work is ordered and recommended by the department dean/director and approved in advance by the President of the College. Employees may be required to work additional hours when necessary, and may be provided compensatory time off in lieu of cash compensation. Exempt employees (salaried), will not be granted overtime as per Policy #4601, unless an assigned personnel who is non-exempt is unable to perform overtime assignments, that exempt may be paid overtime with justification from the department supervisor as per FLSA. .

A. Every employee is entitled to receive cash pay or time off in lieu of cash for overtime work, as provided in these regulations.

B. Each workweek shall stand alone; “average” of hours over 2 or more weeks is not permitted.

C. Workweek shall be 40 hours in a fixed and regularly recurring period of 168 hours, in 7 consecutive 24-hour periods. It need not coincide with the calendar week but may begin on any day and at any

hour of the day. Once the beginning time of any employee's workweek is established, it shall remain fixed until changed. A change intended or designed to evade the overtime requirement is prohibited.

D. Overtime compensation policies shall not be waived by any agreement between a supervisor and an employee.

E. Overtime must be requested and approved in advance. Overtime authorization requests are prepared by the department supervisor and must be approved by the President.

F. Cash Pay for Overtime. Employees in grades GS 1-11 are eligible to be compensated in cash for overtime at the rate of 1-1/2 times their regular rate of pay for all hours worked in excess of 8 per day or 40 per week. The President may authorize compensatory leave in lieu of cash, upon mutual agreement with the employee. This leave will be authorized at the rate of 1-1/2 hours of leave per overtime hour worked.

G. Higher Grades. Employees in grades GS 12 above, or whose grade is XX are not eligible for cash pay for overtime work. They may be compensated for work beyond 8 hours per day of 40 hours per week on an hour-for-hour basis.

H. Hours Worked. "Hours worked", in general, includes all the time an employee is required to be on duty or on ASCC premises or at a prescribed workplace and all time during which he or she is "permitted to work."

I. Training and Meetings. Attendance at lectures, meetings, training programs, and similar activities will not be counted as hours worked beyond the scheduled workday or workweek. If attendance is outside the employee's regular working hours and is required by the President, overtime or compensatory time may be awarded if otherwise applicable.

J. Semiannual Payoff. Compensatory time earned shall be taken within 60 days of the pay period in which it was earned. Departments are responsible for monitoring the accumulation of compensatory time. Any balance of compensatory time in excess of 120 hours will be paid to the employee at his/her regular time rate during the last pay period of June and December of each year.

K. Separation. Employees leaving ASCC employment shall be compensated in cash for accumulated, documented overtime by the college.

L. In the event of death of an employee, his/her accumulated overtime shall be paid to appropriate persons provided by these regulations.

M. Records. ASCC Human Resources and Payroll is responsible for keeping appropriate records of hours worked and leave earned, used, accrued, etc., of its employees.

4605.1 COMPENSATORY TIME-OFF

Compensatory time-off will be granted to a full-time, exempt (GS12 and above) employee in alignment with ASG Administrative Code section 4.0410 and the provisions of the Fair Labor Standards Act as amended in 1986 and. If an exempt employee works more than 40 hours in a given work-week, that

employee may receive compensatory time-off at a rate of not less than one hour for each hour of overtime worked:

A. An employee may not accrue more than 240 total hours of compensatory time. Once an employee exceeds 240 hours of accumulated compensatory time, the employee must request to be paid for each hour over the maximum. This maximum (240 hours) is not an annual accumulation; it is over the duration of the employee's aggregate service.

B. If compensation is paid for accrued compensatory time, such payment must be made at the employee's regular rate at the time of payment. Payoff for excess compensatory time is during the last pay period of June and December of each year.

C. On termination, an employee will be paid for unused compensatory time. Unused compensatory time must be paid at a rate of not less than the average of the employee's regular pay rate for the last three years of employment or the final regular rate received by the employee, whichever is greater.

D. An employee will be allowed to use compensatory time within a "reasonable period" after it is requested, if its use does not "unduly disrupt" operations.

E. Overtime work by employees is discouraged by the College and must be requested by the immediate supervisor normally due to an emergency or scheduled activities requiring the services of the employee over and above the normal eight-hour work day, and shall be approved by President in writing three days prior to compensatory time commences.

4606 PAY DAY – PAY ADVANCES

A. The payroll week runs from Sunday to Saturday of one week through Saturday of the following week. ASCC employees are paid every other Tuesday for all time worked through the two weeks.

B. Pay Advances. An employ who is experiencing financial difficulties may request pay advance from his/her supervisor. Pay advances are limited to one annually per employee.

4607 SHIFT DIFFERENTIAL POLICY

ASCC Department which has responsibilities requiring work around the clock will set up three (3) shifts:

* Day shift	- regular morning to the afternoon	(7:30am – 4:00pm)
* Swing shift	- afternoon to the evening	(3:30pm – 12:00am)
* Graveyard shift	- late evening to the morning	(11:30pm – 8:00am)

The shift differential is given only when the employee actually works on either the swing shift or the graveyard shift.

4607.1 ADDITIONAL HOURLY PAY FOR SHIFTS

A. Employees regularly scheduled to the “swing shift” receive an additional \$.15 per hour for each hour of work on that shift.

B. Employees regularly scheduled to the “graveyard shift” receive an additional \$.25 per hour for each hour worked on that shift..

C. If, for any reason, an employee assigned to either the swing or graveyard shift fails to work that shift, taking either annual or sick leave, he or she does not receive the extra \$.25 for that shift.

D. On the other hand, if an employee employed on any shift is focused to work 2 shifts in one day, the employee should not receive the extra shift differential but must be paid the overtime of time and a half. For example:

1. An employee, regularly scheduled to work the day shift who is required to continue work on the swing shift because of absence of the regularly scheduled swing shift employee, is entitled to 1-1/2 times his/her regular day shift pay.

2. An employee regularly scheduled to work the swing shift who is forced to continue to work on the graveyard shift because an employee failed to show up, is entitled to 1-1/2 times his/her swing shift rate.

E. An employee, regularly scheduled to work the graveyard shift who continues to work the day shift because an employee failed to show up is entitled to 1-1/2 times his/her graveyard shift rate.

4608 TIME SHEET

Time sheets are ASCC’s record of adherence and accountability to Fair Labor Standards Act regulations, and are regarded and accepted as legal document. It is the employee’s responsibility to ensure his/her time sheet is filled completely and accurately with proper signatures affixed to it.

Failure to turn in an approved time sheet every other Tuesday before the end of business day of a non-pay week, may result in the employee not receiving a paycheck. Falsification of time records is a serious offense and may result in termination.

Chapter V

INSTRUCTIONAL AND STUDENT SERVICES GOVERNANCE POLICY STATEMENTS

5000 STATEMENT OF INSTRUCTIONAL PHILOSOPHY

The Board of Higher Education, President of the college, Administration, Faculty, Staff and Students of the American Samoa Community College are committed to providing the people of American Samoa a premier institution of higher learning.

With this desired outcome, the College:

- Provides instructional programs and courses of the highest quality, regardless of mode of delivery, location or level.
- Promotes academic integrity, scholarship, and empowerment.
- Promotes diversity in education needs of the community and to assist individual students in realizing their maximum potential in a setting of cultural changes.
- Nurtures and environment where students will acquire marketable skills, develop self confidence, widen their interests, come to value the sear for truth, deepen an appreciation for cultural diversity, and equipped to cope with their own societal challenges. Individual student growth in this area is the paramount goal.
- Promotes opportunity, access, and equity.
- Focuses on proactive and innovative initiatives for student success.
- Understands its role as an essential component of the economic growth of America Samoa.

5001 ACADEMIC INTEGRITY

ASCC community is committed to academic integrity and standards of excellence of the highest quality in all courses and programs and, as an institution, has adopted the following principles:

- Excellence in teaching and learning through the continuous evaluation of the teaching and learning process.
- Accountability in academic integrity for students and faculty.
- Academic standards that are not compromised to retain students.
- A consistent and fair evaluation of student performance.
- A fair process for grade appeals.
- A commitment to maintaining public confidence in the academic integrity of the College.

5002 ACADEMIC FREEDOM

ASCC recognizes the principles of academic freedom, as expressed by the American Association of University Professors. Academic freedom is observed for the common good, the common good depends upon the free search for truth and its free exposition. Academic Freedom is essential to theses purposes and applies to teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the ASCC Instructor in teaching and of the student in learning.

The President of the college shall ensure that all faculty, staff and students are aware of their duties, responsibilities and rights pertaining to Academic Freedom. The entire Academic Freedom Policy Statement shall be published in the ASCC General Catalog, Faculty Handbook and the Student Handbook.

5003 ACCESS TO INSTRUCTIONAL SERVICES

ASCC is committed to provide access to educational opportunities to the communities in American Samoa through quality instructional programs that meet the needs of students, local business and industry. The commitment includes offering courses relevant to the fields of study and academic disciplines throughout the college's service area, partnerships with local public schools to provide instructional services through dual enrollment.

The College is also committed to provide non-credit courses, professional development programs, workshops, seminars, and conferences for the communities the College serves in the local community

5004 FAMILY EDUCATIONAL RIGHTS PRIVACY ACT

The College shall subscribe to the requirement so Section 438 of the General Education Provision Act, Title IV, of Public Law -247, as amended, and to the rules and regulations governing the Act, which protect the privacy rights of students. Faculty and staff members may not release personal information about a student such as:

- Social Security Number
- Grades
- Grade Point Average
- Class Schedules
- Employment Information
- Academic performance information, such as academic suspension, probation, disqualification or academic dishonesty charges
- Admission information

5100 NEW FACULTY ASSESSMENT

ASCC shall conduct faculty assessment during the first semester of instructions - this will allow the applicant the opportunity to demonstrate the skills and abilities that will enable them to be effective facilitators at ASCC.

5101 NEW FACULTY COURSE APPROVAL

New faculty who has successfully completed the faculty assessment will submit a list of courses that represent the candidates' areas of greatest educational preparation, professional and instructional experience to the Department Chair for their review and submission for consideration and approval by the Curriculum Committee and Deans of each department.

5102 FACULTY ORIENTATION, INTERNSHIP, and INSTITUTIONAL DEVELOPMENT

Faculty orientation and training will occur a week before the spring and fall semester. It is mandatory for all faculty members to attend. New faculty members at the discretion of the Department Chair may be required internship with an assigned faculty mentor. The new member will observe, discuss and facilitate under the guidance and direction of this mentor. If both the Department Chair and mentor are satisfied with his/her performance, the new faculty is recommended for regular faculty status.

It is also in this forum that faculty will be given the opportunity to address institutional-wide issues such as catalog revision, budget development, institutional planning, curriculum revision, policy discussion, institutional self-study, program evaluation and revision, etc...

5103 FACULTY COMPETENCIES FOR INSTRUCTIONAL EFFECTIVENESS

ASCC expects faculty members in all disciplines to demonstrate a consistent level of proficiency in facilitating their courses. Demonstrated evidence in course content, applying facilitation techniques that enhances learning, and evaluating students performances both in oral and written course work per established ASCC standards.

5104 SYLLABUS

All faculty members are required to submit a syllabus for each course they teach with the approved format to the Dean of Academic Affairs or designees at least one week prior to the first faculty workshop of the semester (in some cases it will be submitted with the signed contract). After that time, any additional syllabus is not required for that same course, unless the course changes significantly, than a corrective syllabus shall be submitted with the original submission.

5105 FACULTY USE OF COPYRIGHTED MATERIALS

Faculty members must agree to use only lawfully acquired copyrighted works, with proper attributions and citations, as part of their teaching tools in support of the identified curriculum. Use of copyrighted material without the permission of the copyright owner is a violation of the rights of the copyright owner. The particular use of a copyrighted work will not be an infringement of the copyright if it is considered a “fair use” under section 1207 of the Copyright Act of 1976, as amended (the “Act”). In keeping with ASCC’s policy of academic freedom fostering the free expression of ideas and the publication of scholarly and creative works, decisions on materials used by faculty to enhance ASCC-provided course material rest with the faculty.

5106 FACULTY ACCESSIBILITY

Faculty members are expected to be available to students outside the workshops by arriving early or staying after class and/or by providing access via telephone, fax and e-mail.

5107 FACULTY TIME ALLOCATION ON CAMPUS

All faculty members are expected to devote 40 hours of work per week to the college. In addition to time spent in classrooms and laboratories, instructors are required to have a minimum of five hours per

week in office hours, and minimum of six hours each day on campus, each of which is to be reflected in the faculty members scheduled, approved by the Department Chairperson and the Dean of the appropriate department. Time not spent in instruction, office hours or campus duties may be spent off-campus in the performance of instructional errands.

5108 FACULTY TEACHING LOAD

The teaching load per faculty member is 15 credit hours or twenty two (22) and half contract hours per semester. However, loads may vary between 14 and 16 credit hours (or 21 to 24 contact hours) per semester or an average of from 28 to 32 credit hours (or 42 to 48 contact hours) per academic year. A faculty's load must be computed either by credit hours or by contact hours but not a combination of both.

5109 INSTRUCTOR CLASS SIZE

Minimum class size for ASCC is 10 students. In those cases in which enrollment does not exceed nine students, the situation will be reviewed by the Department Chair and the Dean of the appropriate department. The following alternatives may be taken:

- Discontinue the class if it is not essential to majors within the subject area;
- Combine the section with another;
- Continue the class if it is essential to a major.
-

Faculty members are not authorized to discontinue a class. Instead, the instructors must during the add/drop period notify the Department Chair of low enrollment. Final decision on class cancellation is made by the Dean of the appropriate department.

5110 FACULTY EVALUATION AND GRADING OF STUDENTS

ASCC faculty members are expected to accept responsibility for making valid discriminations among level of student performance evidence by explicit grading criteria and grading variance as set forth by the Dean of Academic Affairs and approved by the President of the College.

5111 TIMELINESS OF DOCUMENT SUBMISSION

Students attending ASCC makes considerable commitments, both financially and in terms of time and effort, towards achieving an education. Therefore, faculty members are expected to comply with documentation deadlines. Students are dependent on receiving grades promptly for employment reasons or reimbursement purposes. If faculty members delay submitting required documents, students can experience personal, professional, and or program progression consequences.

5112 FACULTY INSTRUCTIONAL EVALUATIONS

ASCC expects all faculty members to be evaluated under the following conditions:

- During the internship period (if applicable) by their mentors
- The Student End of course Survey provides an ongoing evaluation of the educational process managed by the faculty;

- Periodic review by Department Chair/Deans of the department;
- Administrative Review from the Department usually occurring during the anniversary of the effective date annually. This is filed with the Human Resources Office.

Evaluation process can be found in Policy #4300, Personnel Governance section.

5113 FACULTY PERFORMANCE EVALUATION

ASCC retains the prerogative to monitor, review and assess the faculty member's teaching performance and adherence to ASCC's policies, including written terms and conditions. Visits to class may be unannounced. Should ASCC determine that a faculty member's teaching performance is unsatisfactory, or that there has been a failure to abide by ASCC policies or terms and conditions, the faculty member may be removed from their current teaching assignment and future scheduled assignments. At the sole discretion of the President of the College, a faculty member may be given the opportunity to successfully complete a developmental program at ASCC's choosing, and thereby become eligible for an additional teaching assignment. Should the faculty member so elect, he/she may appeal such action taken by ASCC pursuant to the Appeals procedures in the Personnel Governance section.

5114 REMOVAL OF FACULTY FROM TEACHING

Removal of the faculty member from a current teaching assignment may result in partial or non-payment of the salary/or class contract at the course rate. This will occur when faculty member fails to comply with the expectations, requirements, standard of conduct, and policies of ASCC to the extent that he/she must be removed, ASCC may not be obligated to pay the faculty member per his/her contract.

5115 FACULTY ABSENSE FROM COURSE

Faculty must confirm any emergency scheduling changes (time, date, location) with the Dean of the appropriate department. In the event that a faculty member shall need a substitute, only an ASCC approved faculty member shall be used. All substitutions must be approved and assigned through the Dean of the appropriate department. Extended absences may be covered by outside instructors or by instructors within the departments that have been approval for additional load, either of which are to be paid by prorating the pay credit given third term instructors.

5116 ADMINISTRATIVE STUDENT SERVICES EVALUATION

The college shall evaluate the Administrative and Student Services offices within the college periodically. Such services are evaluated by those faculty/staff/students that use the service.

5117 FACULTY COMMUNICATIONS

The college's faculty members are geographically diverse, traditional modes of communications cannot successfully integrate faculty of a local scale. Therefore, ASCC has developed procedures for communicating with faculty to maintain a sense of collegiality and community through the use of electronic, ASCC Web, Publications, and other means to achieve the purpose of communication.

5118 FACULTY COMMITTEES

ASCC shall establish committees as part of the professional responsibilities of the college faculty. Committee membership may be determined by position, appointment, or by election, and becomes effective, usually at the beginning of each academic year. ASCC shall establish the following standing committees with by-laws to govern their processes on file with the Dean of Academic Affairs and copies to appropriate departments.

- Curriculum Committee
- Assessment Committee
- Faculty Senate
- Institutional Planning Committee

All other committees shall be ad hoc and are not required to have by-laws unless it develops into a standing committee.

5119 FACULTY LEAVE

Faculty who are on contract as full-time/12 months for two years can earn both sick and annual leave at the rate as stated in the Personnel Governance, Policy # 4500. Faculty members who are full-time/9 months (FTE/9mos) are not eligible for annual leave only sick leave.

Faculty members under this status (FTE/9months) may request leave for emergency purposes for an extended period after an arrangement has been reached with the Dean of the appropriate department for the faculty member to make-up for the time off. The President of the College will have final approval in this matter.

5200 SEXUAL HARASSMENT (Students)

ASCC does not condone sexual harassment by any student, instructor, supervisor, or employee. (see Policy #4211). This sexual harassment policy is in addition to, but specific to the students of ASCC.

- Decisions affecting students (such as grades) made by an instructor or ASCC personnel based on submission to/or rejection of sexual advances.
- Submission to a sexual advance used as a condition of obtaining a particular grade, whether expressed in explicit or implicit terms.
- Slurs, name calling, and other inappropriate and unwelcome comments and behavior based on the sexual orientation of students.
- Display in the classroom or on campus sexually suggestive objects or pictures.

If any student feels subjected to sexual harassment, or any form of discrimination, he/she should report it to the Dean of Student Services, Dean of Academic Affairs, or the Human Resources Department.

5200.1 EMPLOYEE & STUDENT CONSENSUAL RELATIONS

A. A consensual romantic or sexual relationship between individuals where one of the individuals has a professional responsibility for the other would be a violation of this policy. Professional responsibility

includes supervision or evaluation of another in carrying out the duties of a position at ASCC. Efforts by members of the faculty or staff to a student in initiating such relationships also violate this policy.

B. Relationships viewed by the parties involved as mutual and consensual may be viewed by others as exploitative, or a conflict of interest, negatively affecting the College environment.

C. Even where professional responsibility is absent, any ASCC employee who enters into a romantic or sexual relationship with a student or subordinate must realize that, if a charge of sexual harassment is subsequently lodged, the fundamentally asymmetric nature of the relationship shall make it exceedingly difficult to prove mutual consent. The College will not represent an accused employee who has entered into such a relationship.

D. An employee engaged in a romantic or sexual relationship with a student or subordinate must not participate in professional activities or decisions affecting that person. Failure to withdraw from such activities shall be considered a serious breach of professional ethics and a violation of this policy.

5200.2 STUDENT CONSENSUAL RELATIONS

Where there is a power differential between the persons involved in the consensual romantic or sexual relationship there is the potential for sexual harassment. Students in leadership roles need to be cognizant that consenting romantic and sexual relationships between supervisor and subordinate while not expressly forbidden are discouraged. If a charge of sexual harassment is subsequently filed, it will be difficult to defend on grounds of mutual consent.

5201 STUDENT RIGHT TO KNOW DISCLOSURES

In compliance with the Student-Right-to-Know and Campus Security Act of 1990, it is the policy of ASCC to make available its completion and transfer rates to all current and prospective students.

5202 DRUG AND ALCOHOL AWARENESS PROGRAM

Alcohol and illicit drug possession and/or use are prohibited on the ASCC campus. Any student caught under the influence of drugs and/or alcohol on campus will be subject disciplinary action. In addition, Policy #4215 shall also be observed and adhered to.

5210 STUDENT ADMISSIONS

A. Students are admitted to American Samoa Community College through the provisions of this policy. General admission to the college does not imply admission to all programs of the College. Selective programs, which have additional requirements for admission, are also outlined per the General School Catalog.

B. No person shall be excluded from participation in, denied the benefits of, or be subject to discrimination under any program or activity sponsored or conducted by ASCC on the basis of race, color, national origin, religion, sex, age, Veteran status, or disability. Any individual meeting any one of the following conditions may be admitted to the College:

1. The student is a legal resident of American Samoa – Proof of residency such as: telephone/electrical bill including a statement of affidavit from parents/sponsors.
2. The student is a high school graduate-An official high school transcript indicating passing scores. A high school transcript waiver will be accepted for students who are in the process of obtaining their official high school transcript. Students who are unable to provide an official high school transcript by census date will have a registration hold placed upon their record.
3. The student is a General Education Diploma recipient - A copy of the GED scores or Certificate of High School Equivalency must be submitted to the Office of Admissions and Records.
4. The student bears a U.S. Military Form DD214;
5. The student bears a Secondary School Certificate if entering from a British school system; and
6. The student is admitted under the Early Admission Program/Dual enrollment allowing high school students to enroll in college courses while attending high school and permits students to take courses in place of, or in addition to, the normal course load at high school.

5211 STUDENT DEVELOPMENTAL COURSE WORK

Students who do not meet the placement test score requirements for college freshman level courses will be limited to enrollment in developmental courses until their academic proficiency in Math and English is raised to an acceptable level. Students failing to enroll in the required developmental courses as assigned will be denied enrollment in regular ASCC regular college level courses. Students that fail to follow the proper course prerequisites will be subject to the Administrative Drop Policy.

5212 EARLY ADMISSION

Students entering their junior/senior year of high schools will be allowed admission during the summer session, but only limited to two courses providing they have the required prerequisites. The fall and spring semester will only allow admission of high school students entering their senior year, but will be limited to one class per semester.

5213 EXCEPTION

Admissions and Records Office deadlines, policies and procedures are strictly enforced. If a student has extenuating circumstance requiring an exception to any deadline, policy or procedure, that student may file a request for exception. Students may only file three exception requests during their academic careers while attending ASCC.

5214 PLACEMENT TESTS

All new students are required to take placement tests in Math and English. The TOEFL exam may be used for English placement, but may have been taken within 12 months prior to the date of application for admission.

Current SAT or ACT examination scores may be used for placement. It is the responsibility of the student to either sit the ASCC placement test or provide alternate test scores prior to registering for classes.

Students who have transferred from an accredited college or university and have provided their transcripts may have the placement test waived by the Admissions and Records Office.

5215 RESIDENCY REQUIREMENTS

Non-U.S. Citizens/Nationals are required to provide an Immigration Identification or an Immigration Clearance from the American Samoa Immigration Office. Regular admission procedures apply. A non-U.S. Citizen/National can apply for “AS Residency Tuition Status” if the student resided in American Samoa for five (5) consecutive years prior to applying for admission. Supporting documents must be submitted along with the application.

5216 TEXTBOOK POLICY

Students are required to purchase textbooks, workbooks, and other instructional materials designed for course(s) they are enrolled. The student must have the required materials identified in the current syllabus of courses in which they are officially enrolled in by the end of the first week of instruction. Students’ failure to provide their instructors proof of this requirement will result in an immediate recommendation by the instructor to drop the course(s). If the student does not drop the course or purchase the required materials, then the instructor may initiate an administrative drop.

5217 TUITION AND FEES

ASCC will determine tuition and fees annually. Tuitions rates are charged per credit hour for resident students and a different rate for non-resident students. Full time students enrolled in 12-15 credit hours are charged per credit semester. Credit hours in excess of 15 are charged and overload fee for each additional credit.

In addition, all regular ASCC students are required to pay the following fees at the time of registration: Student Activity Fee, Student Identification Fee, and Registration Fee. Students who are unable to complete registration and payment during the scheduled registration period will be required to pay a late registration fee. These fees are non-refundable.

Laboratory fees are assessed by some classes for the use of equipment and materials. Some may have additional cost for special supplies.

ASCC will charge a student a dishonored check fee at the current rate or higher.

5300 ACADEMIC CONDUCT OF STUDENTS

Students at ASCC are expected to show respect for the rights of to others, preserve a social and academic atmosphere which promotes the College’s goals, show care and respect for college and others, bring respect, goodwill and honesty to the college. Students interfering with personal rights and privileges of others or with the educational process of the College will be subject to immediate disciplinary actions. Actions specifically prohibited include possession, use or sale of alcohol, narcotics

or illicit drugs on campus or at college functions, destruction of ASCC property; vulgarity, stealing, continued willful disobedience, cheating, plagiarizing, forgery and all other dishonest practices. Fighting or disorderly conduct on campus or at College related functions would be referred to the Dean of Student Services.

- Plagiarism – is submitting one person’s written ideas or thoughts as one’s own without giving proper citation of credit to the original author.
- Cheating – is not limited to, giving unauthorized help during an examination or obtaining unauthorized information about an examination before it is administered.

Failure to comply will result in disciplinary action.

5301 ACADEMIC STANDARDS

Academic standards are based upon the student’s performance while attending ASCC and translated as the academic standing or “Cumulative Grade Point Average (CGPA). The academic standing designations are:

- Good Standing – CGPA is 2.0 or above
- Academic Probation – CGPA is less than 2.0. A student with this standing can only enroll at maximum 6 credits, with approval of the Dean 9 credits.
- 1st Suspension – when student fails to maintain a GPA of at least 2.0 a semester.
- 2nd Suspension – is for at least one calendar year, if he is unable to achieve a 2.0 GPA after the 1st suspension.

5302 STUDENT ATTENDANCE

Students must attend all scheduled class meetings and laboratories on time. The number of allowable absences and tardiness is at the discretion of the instructor and clarified in the course syllabus.

5304 DEAN’S LIST

Full time students who attain a GPA of 3.5 in courses numbered 100 or above in any given semester, with no failing grades (f), withdrawal (2), Withdrawal fail (WF), incomplete (I), and repeated ® grades during a semester will be placed on the Dean’s List.

5305 GRADE REPORTS

Students may receive their final grade report each semester from the Admissions and Records Office during the semester or term interim. Any suspected error in the grade report should be reported to the Admissions and Records Office. The time limit for any grade change is within the first six weeks of the subsequent semester or term in which the original grade was given. Grade conflicts can be settled through the grievance process.

5306 PROGRAMS, POLICY, AND FEE CHANGES

ASCC reserves the right to change policies, programs, or fees, as approved by the Board of Higher Education without previous written notice.

5307 ACADEMIC RENEWAL

Alleviation of previously recorded substandard academic performance (D and F grades), complete at ASCC, may not be reflective of student's demonstrated ability, will be considered upon submission of a written petition by the student to the Registrar's Office. Upon approval by the Dean of Student Services, the academic record of the student will be annotated with the appropriate adjustments made to the grade point average (GPA). All previously recorded work, however, will remain on the transcript, ensuring a true and complete academic history. The alleviated grade will be recorded accordingly.

5308 ADMINISTRATIVE DROP

A student will be administratively drop from a course by the Admissions and Records Office after consultation with the instructor when the following conditions arises:

- exceeds the number of allowable absences as determined by the instructor or noted on the class syllabus;
- fails to meet the course prerequisites; and
- not complying with the textbook policy.

An administrative drop will not reflect in the student transcript.

5309 COURSE WITHDRAWAL

A fee will be imposed upon a student for course(s) withdrawal paid to the Business Office. Admissions and Records Office will provide the form for withdrawal upon verification of payment. Students may withdraw from class without academic penalty during the first 60% of course(s) term and received a grade of "W". The cut-off date for students is nine weeks, students attending ASTEP is six weeks and after this date, the student withdrawing will receive a grade of "W/F", or "W/NP" for developmental courses.

5310 OFFICIAL WITHDRAW FROM THE COLLEGE (ASCC)

Student(s) who are not planning to continue their studies with ASCC in the current term shall pay a fee to the Business Office to officially withdraw. Students not planning to attend the next term will notify the Admissions and Records Office by the deadline date which is the last day of course instruction. This withdraw will change the student status from a continuing student to inactive and priority registration will be voided. If the student decides to return the following terms, the status will be classified as returning student.

5311 COURSE PREREQUISITES

Prerequisite courses are required courses prior to entry into more advanced courses. If a student enrolls in an advanced course without passing the prerequisite, the student will be administratively drop.

5312 COURSE AUDIT

A student is permitted to audit a course upon written approval of the instructor. Students may attend classes, participate in discussion, activities, quizzes on a volunteer basis. The student can not change to

a credit course without approval of the instructor. Scheduled changes to audit a course or to receive credit for a course may be made after six weeks of instruction.

5313 COURSE SUBSTITUTION

Courses may be substituted to meet degree or program requirements if approved by the Department Chairperson and the Dean of Academic Affairs. A limit of two courses may be substituted.

5314 COURSE REPETITION

Students may only repeat course(s) with an earned grade of “C”, “D”, “F”, or “W/F” twice. All grades will be retained on record after all attempts made to repeat a course. Only the best grade will be used to compute semester and cumulative grade point averages.

5315 INDEPENDENT STUDY

Independent study is optional, and it is upon the discretion of the instructor, if schedule permits the instructor will develop a contract with the student, with modifications only to meeting times, dates and topical outline. Students are limited to no more than two contracts per semester, and the contract can only be approved for courses in the current school catalog. Independent study is not valid for courses offered during the summer, requiring labs, ASTEP, Service Learning and Distance Learning. A fee will be charged, and the cost of independent study is not covered by the federal financial aid.

5316 CREDIT for TRANSFER COURSES

ASCC will only accept official transcripts mailed directly from the institution to the Admissions Office. Military transfer request must include the ACE evaluation. In addition shall meet the following conditions:

- transferred course(s) must be similar in scope, content, and instructional format to ASCC’s format;
- transfer credits must be a “C” grade or better; and
- transfer credits must be approved by the Instructional Department Chairpersons and Dean of Academic Affairs.

5317 CREDIT BY EXAMINATION

All requests by students to challenge a course(s) by examination must be approved by the Academic Affairs Department Chairperson. If the student passes the exam with a “C” grade or better, the student will be awarded an “E” grade. If the student fails, no grade is entered. Examinations for course credit may be taken only once. “E” grades will not be counted toward overall GPA and CGPA. Additionally, credits earned by examination are not covered under federal financial aid.

5318 INCOMPLETE GRADE

An incomplete grade will be assess upon a student when extenuating circumstances beyond the student’s control make it impossible to complete the required work within the prescribed time frame. Arrangements to remove the incomplete grade must be made between the instructor and student prior to the end of the semester. The student must make up the work with ample time for the instructor to

grade the work and submit the change of grade. Failure by the student to meet this requirement will result in a “Report of Incomplete.”

5319 CHANGE OF GRADE

An instructor may change a student’s grade within the first six (6) weeks of the subsequent semester in which the original grade was given. The instructor initiating the change of grade must personally present the case to the Dean of Academic Affairs for approval.

5320 ACADEMIC STUDENT GRIEVANCE

The Department of Academic Affairs will ensure a process in which students can address academic grievances without fear of reprisal. Grievances procedures shall be integral part of the student orientation and be publicly posted where it can be conspicuously viewed.

Students having a grievance with the general operation of the college may petition the Grievance committee appointed by the Dean of Student Services for redress. The petition shall set forth in detail the nature of the grievance and shall state for whom the grievance is directed. It shall contain factual data, which the petitioners deem pertinent to their case. The Committee shall have the right to decide whether or not the petition merits investigation.

5321 STUDENT APPEALS

Students may appeal a disciplinary action taken against them by, submitting a written appeal to the Dean of Student Services, who will forward the request to an appointed ad-hoc Student-Faculty-Administration Appeal Board. The written appeal must be submitted within one week for the issuance of the disciplinary action/decision in question. The disciplinary action shall stand during the Appeal Board’s deliberations on the submitted appeal. The Ad Hoc Board’s decision and/or recommendation is final.

5322 HEALTH SERVICES FOR STUDENTS

ASCC provides emergency health services and minor care only. Emergency services are provided by faculty and staff, who are certified in Cardiopulmonary Resuscitation (CPF) and used of Automated External Defibrillator (AED) while awaiting Emergency Medical Services (EMS). Minor cases are treated and referred to the Tafuna Health Center LBJ Tropical Medical Center in the village of Fagaalu.

5323 SPORTS EQUIPMENT

A student requesting to borrow/use sporting equipment, that student needs to have a current ASCC Student ID card. Students on Academic probation are not eligible to participate.

5324 LOST AND FOUND

Lost found articles are to be turned I to the Office of Student Services. Reasonable description of lost item(s) must be given to the Campus Security personnel to retrieve lost article(s).

5325 CLUB ACTIVITIES

All campus clubs may apply to start one with the Student Government Association (SGA). These clubs must have a faculty or staff advisor and meet the requirements established by SGA.

5326 ASCC TUTORSHIP REFUND

Tuition refunds will be issued for student schedule changes as follows:

- 1st Week of Instruction – 100% refund
 - 2nd Week of Instruction – 50% refund
 - 3rd Week of Instruction – 25% refund
 - 4th Week of Instruction – No refund
-

5327 INSTITUTIONAL FINANCIAL AID

Federal regulations require that the Financial Aid Office (FAO) must be informed of all internal and external aid received by students attending the American Samoa Community College. This information is required for inclusion in the calculation of the student's financial aid package, to ensure that the student's aid does not exceed his/her need.

In order to eliminate an over award condition from any ASCC non-Title IV financial aids, the maximum limit of \$760 per award year, is hereby set for all institutional control resources to the student. The FAO must be contacted prior to crediting any institutional resources to the student's account. In addition, all checks request for institutional scholarships or other institutional assistance must be routed to the FAO for certification prior to initiating a check.

Failure to comply with policy may create an over award condition to the student, and violation of Title IV program.

5400 CLEARANCE TO GRADUATE

Prospective graduates of ASCC must clear all ASCC obligations that are outstanding such as: fees, refund of Pell grant or FSEGOG overpayment, overdue/lost library book fees, and all encumbrances to ensure receipt of degree or to participate in the commencement exercises.

5401 GRADUATE WITH HONORS

Students who have earned a Cumulative Grade Point Average (CPGA) of 3.5 or above, and with no "F" or "W/F" grades, or grades for courses repeated will graduate with honors.

Valedictorian and salutatorian distinctions are granted to students who have earned the highest CPGA and met the listed additional criteria:

- All credits earned was received during his/her studies with ASCC only;
- Completed their degree program within five (5) consecutive semesters. Summer sessions not included;
- No "F", "W/F", or repeated grades allowed;
- A maximum of three withdrawals are allowed: and
- Actively participated in school activities and the community.

5402 ASCC COMMENCEMENT

ASCC will hold graduate commencement after the spring and fall semesters. Only students completing the clearance for graduating, met all academic requirements will be permitted to participate in the commencement exercises where degrees and certificates are publicly awarded.

Chapter VI

SITE FACILITIES GOVERNANCE POLICY STATEMENTS

6000 DISPLAY OF FLAGS

American Samoa Community College shall display the flag of the Territory of American Samoa, the college and the United States daily when weather permits on the designated flagstaff located in the front of the college.

6001 NAMING OF THE COLLEGE FACILITIES AND GROUNDS

A. This policy covers the naming of buildings and facilities such as areas or rooms within buildings, recreational fields, and gymnasium located on campus.

B. Nominations may received by the College President or any member of the Board. The authority to name buildings, rooms, special areas is reserve solely for the Board of Higher Educations and shall conform to one of the following criteria:

- Name must indicate the function of the building/facility.
- Name may honor an employee or former employee of the College who has served the college and has made exceptional contributions to the College. The individual must have won the respect of fellow staff/faculty members for outstanding performance beyond ordinary duties.
- Name may honor a substantial benefactor of the college recommend by the administration.
- Name may honor any member or members of the community who the Board recognizes as having provided exceptional, financial or non-financial support for the advancement of the college.
- Name may honor any member or former member of the Board who ahs served a minimum of ten years.

C. It should be recognized that building and other facilities may undergo significant renovation or even demolition over the course of time. It is ASCC policy that even though the physical space may no long exist, recognition for the individual recognized in that space will continue in perpetuity.

D. The President of the college will maintain a log of all named spaces and plaques to ensure that plaques that must be removed because of renovation will be displayed in another appropriate place of honor as recommended by the Administration and approved by the Board.

6100 USE OF COLLEGE FACILITIES

The facilities of ASCC are provided for the support and operation of the college's programs. When not so needed, the facilities may be made available to qualified organizations and groups consistent with the mission of the college. The Board shall determine whether a proposed use of the facilities is consistent with the mission of the College. The College encourages use of its facilities by the public.

In support of this policy, the President is authorized to develop guidelines for the public use and rental deposit and cost to use ASCC facilities.

6110 PHYSICAL FACILITIES PLANNING AND EDUCATIONAL SPECIFICATIONS

The President shall establish such procedures as to ensure the proper educational use of physical facilities. These procedures will incorporate the advice of the staff/faculty members, the Board of Higher Education, and specialist in community college planning and academic and occupational program. Consultants may be used to assist in the planning of the facilities of the college. All new construction and remodeling will require Board approval.

6120 ARRANGEMENTS FOR PROVIDING EDUCATION SERVICES AND FACILITIES

The President of the college is authorized to enter into agreements and contracts to provide educational services and facilities on behalf of the college with local agencies, federal government agencies and institutions as well as with businesses, industries and associations, provided that all such contracts and agreements are per applicable statutes.

6130 PHYSICAL PLAN SERVICES

The President shall establish regulations and procedures for the efficient operation and use of all college physical resources to serve the needs of the college in relation to its stated purpose, programs, and activities.

6200 CUSTODIAL AND MAINTENANCE PROGRAM

ASCC facilities shall be constructed, equipped, and maintained in an effort to provide a pleasant, healthful environment that will aid in maintain a high level of health, comfort, and general well being of the occupants.

The Director of Administrative Services shall establish and maintain custodial and maintenance programs which provide sanitary and safe conditions through the college.

6210 EMERGENCY CLOSING OF THE COLLEGE CAMPUS

The President or designee shall have the authority to cancel classes and close the College because of extreme weather or other emergency conditions, after the Board of Higher Education has been notified.

6220 CAMPUS SAFETY

ASCC endeavors to provide and maintain safe and healthful working conditions, and to follow operating practices which provide safe working conditions and efficient operation. The President shall designate the college Safety Officer in writing, and the designated shall be familiar with the duties and responsibilities for the performance of the duties.

Accident prevention and efficient production go hand in hand. All level of management has a primary responsibility for the safety and well being of all employees including students participating in their program. This responsibility can be met only by working continuously to promote safe work practices among all employees and to maintain property and equipment in safe operating condition.

Safety is primarily an operating function, and the Director of Administrative Services is the key person in this safety program because the Director is directly responsible for facilities management. Likewise, no foreman, supervisor, or individual employee may ever be relieved of appropriate responsibility for safety.

Safe practices on the part of all employees must be part of all operations. Not job shall be considered efficiently completed unless the worker has followed every precaution and safety rule to protect the worker, fellow workers, and the public.

6230 CAMPUS UTILITIES

The Director of Administrative Services oversees utility services provide to the College. The Director will establish energy conservation goals and make applications based on life cycle costing.

6310 CAMPUS SECURITY

The President may outsource/hire security guards for the provision security services on any property owned or leased by the college. The security personnel are designated representatives of the President in the enforcement of all rules and regulations relating to campus access and parking procedures. The Director of Administrative Services will directly ensure all security personnel are certified under the requirements as set forth by local law enforcement and standards.

6311 AUTHORITY OF SECURITY PERSONNEL

All security personnel have the authority as delegated by the President:

- request identification from any person on College premises;
- issue citations for, or cause the removal of, any vehicle on any college premise that is in violation of college parking regulations;
- to cause any person disrupting normal campus activities to be removed from college premises;
- to cause the removal from college premises any person possessing or using any narcotic drug or alcoholic beverages; and
- to cause removal from college premises any person possessing a firearm in violation of policies.

6312 SECURITY INSPECTIONS

A. ASCC wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, and other improper materials. To this end, ASCC prohibits the possession, transfer, sale or use of such materials on its premises.

B. Desks, lockers, and other storage devices may be provided for the convenience of employees, but remain the sole property of ASCC. ASCC will retain master keys or combinations to the locks on offices, storage devices. Employees may use their own locks or combinations of any of ASCC property, but will provide a duplicate key or the combination to ASCC Administrative Services.

C. Desk, lockers, and other storage devices, as well as any articles found within them, can be inspected by any agent or representative of ASCC at any time, either with or without prior notice.

6313 PROHIBITION OF DRUGS AND ALCOHOL ON CAMPUS

ASCC prohibits alcoholic beverages and narcotic drugs within all owned or leased college buildings or grounds. Violation of this policy results in automatic suspension to personnel or activities sponsored by the College.

6314 SMOKE/TOBACCO FREE ENVIRONMENT

ASCC, including all its facilities and grounds, is a smoke/tobacco free environment except in designated smoking/tobacco use areas and parking lots. Persons violating this policy shall be subject to appropriate disciplinary action.

6315 FIRE-ARM PROHIBITION OR DEADLY WEAPON

The Board of Higher Education deems it in the best interest of the College to prohibit the carrying of concealed weapons on all college premises. The exception to this rule shall be for licensed police officers in the performance of their duties.

The President is hereby authorized and directed to have appropriate notices posted on all college premises to alert employees and their parties who enters the premises of the prohibition. Violation of this policy results in an immediate termination of an employee or expulsion of student from the college.

6316 USE OF COLLEGE PROPERTY/REMOVAL OF COLLEGE PROPERTY FROM COLLEGE PREMISES

To avoid misuse or misapplication of the property, equipment or employees of ASCC, the administration, faculty, staff, and students shall be prohibited from:

- Making personal use of any college-owned or leased vehicles, equipment, materials, or services;
- Rendering services other than for or on behalf of the college during regular working hours; and

- Using college facilities for any work or business that may directly or indirectly lead to personal gain.

ASCC is responsible for the appropriate use of its properties. In substantiated cases of misuse of those properties, it is the policy of the college to obtain full restitution, to impose administrative sanctions, and to refer violations of criminal statutes for prosecution.

6400 CAMPUS PARKING AND TRAFFIC CONTROLS

ASCC shall establish rules and regulations for the safety and welfare of students, employees, and property. The College shall establish other rules and regulations deemed necessary to provide for the operation and parking of vehicles on the grounds, streets, drives, alleys, and any other institutional property under its control, including but not limited to the following:

- Limit the speed rate
- Assign parking spaces and designating parking areas and their use including disabled parking
- Prohibit parking as deemed necessary
- Remove vehicles parked in violation of college rules and regulations or law at the expense of the violator
- Institute a system of registration for vehicle identification authorized to use college parking.

It shall be unlawful for any person to park a vehicle on any property under the control and jurisdiction of the college except in the manner designated by the College and in the spaces marked and designated by ASCC. It shall also be unlawful to block or impede traffic through any driveway of college property. All laws regulating public traffic apply to the operation of vehicles with the college property.

ASCC may provide for the issuance and use of suitable vehicle identification insignia. The college may bar or suspend the permit of any vehicle from driving or parking on any college property for the violation of any rule or regulation. Reinstatement of privileges may be permitted.

Enforcement of all college traffic and parking matters shall be the responsibility of campus security under the direction of the Director of Administrative Services. It shall be the duty of each security personnel to issue citations for any violations under the college's parking rules and regulations.

If an employee or student fails to adhere to the rules and regulations, they are subject to adverse personnel actions. Employees or students are permitted to submit a written appeal for a citation, and submit it to the Director of Administrative Services. This appeal will be reviewed and a final decision from the President of the College will be final.

6410 USE OF COLLEGE-OWNED VEHICLES

College-owned vehicles are to be used exclusively for college related activities. The college may maintain vehicles to accommodate, to the extent possible, the transportation needs of students and staff on college business. The President is authorized to develop procedures for use of College-Owned Vehicles.

6420 FOOD SERVICE

All food services shall be provided per American Samoa Public Health regulations. Compliance with these regulations shall be the responsibility of the contracted food service vendor.

6430 EATING AREA DESIGNATIONS

Eating and the preparation of meals and snacks are not permitted in public service areas and classrooms except in cases where a faculty member or office supervisor agrees to assume responsibility for cleaning (removing litter and food particles) the office or classroom area after the use of food and drinks. Food and drinks will not be permitted in the library, computer labs, science labs, technical labs and mechanical rooms.

6500 MASTER PLAN

The President shall develop, in document form, for review and approval by the Board of Higher Education, a College Strategic Master Plan, which encompasses the needs of the entire institution with specific attention given to educational, financial, and construction planning. The ASCC Master Plan will be based upon current determinations of community needs and responsible use of fiscal, physical, and human resources.

Chapter VII

FINANCIAL & PROCUREMENT GOVERNANCE POLICY STATEMENTS

7000 GENERAL ACCOUNTING

The Finance Department is responsible for accounting for American Samoa Community College financial activity in accordance with Generally Accepted Accounting Principles (GAAP) as promulgated in the Audit Guide for Colleges and Universities and per Board of Higher Education policies and guidelines. The following shall be required under this policy:

- A. Accounts will be maintained and reports prepared on accrual basis on when required by the President or the Board.
- B. Revenues will be recorded when earned.
- C. Expenditures will be recorded when materials or services are received or when an obligation or the impairment of an asset has occurred.
- D. The Finance Department under the comptroller is responsible for maintaining a system of internal controls adequate to safeguard ASCC assets.

7000.1 ACCOUNTING SYSTEMS

The President shall install and maintain a system of accounts and engage a Certified Public Accountant. The Finance Department is responsible for the maintenance of ASCC accounts. The number of accounts will be limited to a level necessary to ensure the efficient operation of the college unless required by specific agreements with the President and the Board of Higher Education.

The President with approval of the Board shall designate the depositories of all funds of the College. All requests for new accounts (funds) must be accompanied by proper documentation and approved by the Board of Higher Education.

All changes to account purpose and other account specific information must be approved by the President upon the recommendation of the Chief Financial Officer.

Departments are required to notify the Finance Department on a timely basis of the following:

- Any organizational change affecting reporting responsibility.
- Any accounts to be deleted such as inactive accounts or gift accounts that have been expended.

7000.1A ACCOUNT RECONCILIATION

All Balance Sheet and specified expense accounts are to be reconciled monthly and reviewed quarterly by the Chief Financial Officer.

All Reports generated by the Business Office must have a special “APPROVED” stamp before releasing to any Departments or Organizations.

7000.1B FINANCIAL STATEMENTS

Monthly Budget versus Expenditure reports is due to the Board no later than the 15th business day following the end of the business quarter.

The Quarterly Performance Report is to be reviewed by the President and approved by the Board prior to submission to the ASG Office of Budget and Management. A copy must be provided to the Board for the record.

7000.2 AUDIT AUTHORIZATIONS

In the absence of the President, the “Acting President” or appropriate designee in writing is authorized to act on matters related to Audit.

7000.2A ANNUAL AUDIT

The AMERICAN SAMOA COMMUNITY COLLEGE shall have its finances audited on an annual basis by an independent, recognized, and reputable auditing agency.

7000.2B AUDIT REPORTS

After receipt of the auditor’s annual report, is shall be distributed to members of the Board Board during the annual meeting for review and approval for distribution to the Governor’s Office, the Senate, the House of Representatives, the Office of Planning and Budget, and the Office of Treasury.

Audited Financial Statements for each fiscal year are due to the Board of Higher Education and all applicable ASG and Federal agencies no later than December 31st or within three months after the close of the fiscal year.

7000.3 FISCAL YEAR

The fiscal year for American Samoa Community College shall be October 1 to September 30. All expenses and transactions shall be closed by September 30 of each fiscal year. Federal and Special Funds are to be closed on dates established by the funding agencies.

7000.4 INVESTMENTS

To provide equal benefits in perpetuity to present and future generations, an endowment must be invested by the College to maintain the real (inflation-adjusted) value of principal over time, and to maintain a constant stream of real income for on-going operations.

The Board of Higher Education may commit some 45% of the total market value of the Endowment Fund to equity investments. Though equity returns may fluctuate in any given period, the Board has a long-term orientation and the potential principal appreciation and yield from equities are more beneficial than available from fixed-income instruments.

The Department of Finance is responsible for the accounting and reconciliation of all investments transactions. All investment income, gains or losses will be recorded in total monthly, with bank statements providing detail support of transactions. Investment income will be recognized on an accrual basis.

7000.5 INTERNAL CONTROL

The Chief Financial Officer has the fiduciary responsibility for the accounting records of ASCC and the ultimate responsibility for the adequacy and effectiveness of the overall system of internal control.

A. Construct and maintain books, records and accounts which, in reasonable detail, accurately

B. Establish and maintain a system of administrative control which promotes operational efficiency and effectiveness, and ensures adherence to college policies and procedures. These controls include, but are not limited to, budgets, schedules, job assignment and monitoring sheets, policy and procedure manuals, organization charts, job descriptions, employee training programs, and various quality controls.

C. Establish and maintain an adequate system of internal accounting control sufficient to provide reasonable assurance that:

1. Transactions are executed per ASCC policies, President's, or management's general or specific authorization.

2. Transactions are recorded as necessary : (a) to permit the preparation of financial statements in conformity with generally accepted accounting principles and the college's financial and accounting policies; and (b) to maintain accountability for college assets.

3. Access to assets is permitted per President's or management's general or specific authorization.

4. The recorded accountability for assets is compared with existing assets at reasonable intervals and appropriate action is taken with respect to any differences.

D. Any person entrusted with handling of funds or property of the College shall furnish at the expense of the College, a fidelity bond approved by the Board, in such sum as the Board shall prescribe.

7000.5A DESIGN OF INTERNAL CONTROL SYSTEMS

The Finance Department must establish and maintain a system of controls which meets the minimum requirements as established by ASCC Internal Control Policy. A properly functions systems of controls improves the efficiency and effectiveness of operations, contributes to safeguarding college assets and identifies and discourages irregularities, such as questionable or illegal payments and practices, conflict of interest activities and other diversions of ASCC assets.

7000.5B DOCUMENTATION OF INTERNAL CONTROLS

Internal control systems must be documented. The nature and extent of documentation will depend upon the operating environment of each business functions, and may take various forms including, but not limited to:

- A. Written policies and procedures.
- B. Formalized reporting responsibilities with the activity and descriptions of authority and responsibility. These may be in the form of organization charts, job descriptions and/or narrative.
- C. Control objectives and control techniques which contribute to the achievement of those objectives.
- D. Flowcharts of systems with the identification of key control points.
- E. Support for decision regarding the implementation of controls, preferably in a cost-benefit format.

7000.5C ADMINISTRATION OF INTERNAL CONTROL

The President with the support from the Chief Financial Officer is responsible for the application of this policy and the design development, implementation, documentation and maintenance of a system of internal controls within his/her area of responsibility. Additionally, unless otherwise specifically stated in the policy, all personnel engaged in activities affecting the adequacy of controls are subject to provisions of this policy.

Internal control standards shall be promulgated as addenda to this policy to aid in its implementation. These standards present standard control objectives which, when met, provide reasonable assurance of maintaining adequate system of accounting control over the various cycle activities and transactions. Comments and recommendations from any operating unit regarding this control policy and the internal control standards shall be directed to the Chief Financial Officer.

7000.5D REVIEW AND EVALAUTION OF INTERNAL CONTROLS

The President will appoint in writing an Internal Control Audit committee from the college to review and measure the effectiveness of the controls established within the framework of this policy as they relate to ASCC's accounting, financial and operating systems. The purpose of these review are to:

- A. Ascertain the reliability and integrity of accounting, financial and operating information and the means of generating and reporting that information.
- B. Ensure that systems comply with ASCC policies, objectives, standards and procedures, and with federal and local laws and regulations.
- C. Evaluate computer-based systems in production, in development or undergoing change; and evaluate systems development process and computer operations.
- D. Evaluate the adequacy of methods used to safeguard ASCC assets.

The Internal Control Audit Committee assists management by furnishing impartial, independent analysis, appraisals, recommendations and pertinent comments in written reports to the Dean, Vice President or the person responsible for the entity under review, as well as the Chief Finance Officer, Vice President, and the President.

7000.6 INVENTORIES OF MATERIALS & EQUIPMENT

The Department of Finance Procurement Division is responsible for accounting for inventory at ASCC. This responsibility is delegated to those maintaining inventories. Departments with inventories will be responsible for maintaining detailed inventory records. These records must be reconciled quarterly to the accounting system. A physical inventory will be conducted and reconciled to the detailed inventories. All adjustments resulting from a physical inventory must be recorded in the accounting system immediately. Departments are responsible for identifying obsolete inventory which must be written-off when identified. Purchase of inventory items will be made through the Purchasing Division unless otherwise authorized by the Chief Financial Officer. Inventory items shall be maintained at levels which reflect prudent business practice.

7000.6A ASCC ASSETS DEFINED

This policy defines the parameters for capitalizing assets.

Plant Assets – Capitalized plant assets include Land, Land Improvements, Buildings, Building Improvements, Fixed Equipment, Moveable Equipment, Software, Library Acquisitions, Artwork, Donated Collectibles, other assets, and other expenditure which meet the criteria.

Land – The cost to be capitalized as land includes all cost connected with the acquisition of the land. These costs include but are not limited to the cost of the land, appraisals, professional services, title insurance and other miscellaneous fees and costs associated with the acquisition.

Land Improvements – Land improvements eligible for capitalization include the cost of landscaping infrastructures, utility systems and outdoor public recreational fields and facilities in excess of \$50,000.

Buildings – The cost to be capitalized as a building includes associate costs related to the acquisitions or construction of the building. Acquisition costs include but are not limited to the cost of the building, professional services, appraisals, title insurance and other miscellaneous fees and costs associated with the acquisition. Construction costs include but is not limited to the cost of professional services, test borings, materials, site preparation.

Building Improvements – Building Improvements to be capitalized are significant alterations or structural changes that cost in excess of \$100,000 or represent more than 20% of the net book value of the building and increase or amend the usefulness, enhance efficiency or prolong the useful life of the building for a period of greater than one year.

Equipment – Equipment to be capitalized refers to an item of non-expendable tangible personal property with a useful life of more than one year, a cost in excess of \$5,00 per item, excluding freight charges and taxes, and the college has title to the asset. Equipment may be moveable or fixed. In addition, acquisition of individual items of software with an acquisition cost of \$5,000 or more will be considered a capital asset. Software also includes a major systems which are purchased from an outside vendor or internally developed by the University.

- Moveable equipment – refers to equipment which can be easily moved from one area to another.
- Fixed equipment – refers to equipment which is attached or permanently fastened to a building that cannot be removed without costly or extensive alterations to the building or area to which it is affixed.

The Department of Finance is responsible for capitalization of all plant assets per applicable accounting pronouncements. The Property Management has this primary responsibility. All capitalized plant assets regardless of funding source, will be recorded.

7000.6B PROPERTY MANAGEMENT

All equipment obtained by ASCC, including equipment purchased through grants or sponsored projects are subject to ASCC property management policies.

- A. The safeguarding and use of moveable equipment assigned to a department is the responsibility of the department dean/director and Vice President.
- B. The use of college equipment for personal or private use is prohibited.
- C. The use of ASCC property at an off-campus location must be approved in writing by the Department Dean/Director. The Procurement office must be notified by writing of any assets used at an off-campus location. Damage or loss of equipment shall be paid by the employee responsible.
- D. The property manager is responsible for maintaining a permanent detailed record of all fixed and moveable equipment owned by the college including sponsored programs acquisitions and equipment gifts.

7001 BUDGET

- A. The President shall adopt a budget for the upcoming fiscal year and forward to the Board for approval no later than June 15th.
- B. The College budget functions shall be approved by the Board of Higher Education, these functions is divided into – Executive, Administrative, Student Services, Instructional, and Research.
- C. Each department is allotted a portion of the College budget in accordance with its needs established annually. The budget is divided into six major cost centers or categories – Personnel Services (5100); Material & Supplies (5200); Contractual Services (5300); Travel (5400); All Others (5500); and Equipment (5600).
- D. Budgeted expenses within each cost center are classified further by line item (i.e. Office Supplies, Photocopy Supplies, and Postage are line items within the Material & Supplies (5200) cost center). Departments are responsible for spending within the limits of each major cost center.
- E. Disbursements shall not exceed the revenue raised or the expenses budgeted, except by $\frac{3}{4}$ vote by the Board.

F. The Chief Financial Officer will initiate changes in the budget after consultation with the President and approved by the Board.

7001.1 BUDGET TRANSFERS

If the department or account manager recognizes that unexpected expenses or unusual events will cause their department to overspend a budget line item, the department must request a budget transfer by means of a “Budget Transfer Request Form” via the Chief Financial Officer and approved by the President of the College.

7001.2 BUDGET TRANSFER RESTRICTIONS

The following budget transfer restrictions apply and require prior approval:

- Board of Higher Education - \$11,000 or more
- President - \$10,000+
 - Transfers involving capital outlays and contingency
 - Departmental budget transfers between functions (i.e., from Instruction to Administrative)

7002 PAYROLL – GENERAL

A. Compensation – Salary

The President is responsible for all matters related to academic staff compensation and is the only college official authorized to approve academic staff compensation payments.

1. Faculty on a 10 month appointment shall be paid their salary in twelve equal monthly payments. For faculty performing services during the summer months is earned and paid per credit at the rate stated on their class contract.

2. For associated faculty, administrators, and academic support staff, salary is earned and paid monthly, consistent with the term of appointment and/or services provided and per the ASCC pay schedule. Annual base salary is earned and paid over the fiscal year in twelve equal monthly payments.

3. Increments, reclassification, promotion merit or scale increases are considered incremental adjustments to the annual salary, and are paid in each subsequent month at a rate equal to one-twelfth of the increased amount.

4. Lump sum payments, in conjunction with a specific compensation program, may be made with pre-approval of the HR Director and the CFO and final approval by the President.

5. Temporary hourly support staff compensation is earned on an hourly basis and paid every two weeks at the employee hourly wage rate stated on their contract.

B. Compensation – Extra Compensation & Overtime

1. Payment of all extra compensation must be made through ASCC's payroll system. All non-exempt employees must be paid for service per Fair Labor Standard Act.

2. Request for services which will result in extra compensation requires prior approval by the President of the College, Chief Financial Officer, Department Dean/Director, Vice President and Human Resources Director. Approved payment will be made in the next regularly scheduled payroll cycle.

3. Requests for payment must be made using the appropriate form designated by the Department of Finance. A justification for the amount to be paid and an explanation of the additional service provided must be attached.

7003 SALARY AND WAGE PAYMENTS

The Department of Finance is responsible for ensuring that salary or wage payments made to an employee are per existing Personnel Governance policies as established by Human Resources and approved by the President for faculty, staff, contract specialist and personal services consultants.

ASCC will make salary or wage payments only by check, or, if requested in writing by the employee, by electronic deposit to an employee's bank account.

7003.1 PAYROLL DEDUCTIONS AND REDUCTIONS

Deductions from regular pay checks are effected and in compliance with governmental regulations and that voluntary deductions are effected per employee election. The Department of Finance will withhold from the pay check of each employee all statutory tax deductions. These include, but are not limited to: Federal, local income tax and social security (F.I.C.A) taxes. The Department of Finance is responsible for disbursing amounts withheld from employee's paychecks to governmental or other agencies per statutory regulations or executed agreements.

7003.2 WAGE ATTACHMENTS AND LEVIES

ASCC is required, by law, to execute, with or without the employee's consent, all legal wage assignments such as tax levies, garnishments, notice of child support or other court ordered wage attachments, subject to the terms described in each individual instrument. All wage attachment and levies will be treated with strict confidentiality, and will be handled per ASCC policies of confidentiality of records. An administrative fee will be assessed on each wage attachment, but will exceed \$20.00.

7003.3 PAYROLL CYCLES

A. Payroll shall be processed on a bi-weekly salary basis. The department shall submit timesheets when due to ensure paychecks are prepared on a timely manner. If a the department fails to submit their time sheets to Human Resources of the schedule date, paychecks will not be distributed on payday for those late submission.

B. Departments are responsible for processing appropriate payroll actions (time reporting, changes in pay amount, terminations, etc.) in a timely manner, and per the scheduled of due dates established by the Department of Finances.

C. The Finance Department is responsible for establishing the annual schedule pay date for the college. In the event of a disaster, fire, computer malfunction or any other event which is beyond the control of the Finance Department the College reserves the right to pay employees on other than the regularly scheduled pay date, including payment to employees via check when normal method of payment is direct deposit.

7003.4 RETROACTIVE PAY

Employees are entitled to a retroactive payment if the effective date of a salary increase precedes the beginning of the current pay period. Retroactive payments will only be made with the proper authorization (303) from Human Resources. Retroactive payments normally will be included in the employee's next regularly scheduled paycheck. Exemptions require the approval of the Chief Financial Officer.

7003.5 OVERPAYMENTS

The employee is responsible for reporting to the Finance Department which shall establish a process to recover the funds from the employee's next paycheck or a schedule payment of deductions.

7003.6 TIME REPORTING

A. Time reported for pay purposes may include but is not limited to the following categories: regular hours worked paid holidays, earned vacation, or sick leave taken.

B. Time worked and absences normally will be reported after-the-fact. If reporting deadlines require an employee to estimate time worked to the end of the reporting period, adequate control shall be maintained to ensure that appropriate adjustments are made for differences between estimated and actual time worked.

C. Employees shall maintain records of any overtime worked each day. For employees in classes eligible for premium overtime, overtime worked must be designated either as overtime earned at the straight-time rate or as overtime earned at the premium rate. Similarly, compensatory time off records must distinguish between compensatory time off for overtime earned at the straight-time rate and compensatory time off for overtime earned at the premium rate.

D. Daily attendance and job time records, including sick leave and vacation accrual records, shall be maintained on a formal and current basis. Individual attendance and job time records shall be approved by the employee's supervisor and shall not be returned to the employee after supervisory approval.

E. Prompt notification must be made to the Human Resource Office to prevent improper payments to employees who have been terminated, demoted, placed on leave without pay, or otherwise placed in any status under which full standard pay is not to be received.

7003.7 DEPARTMENTAL CHECK AND DIRECT DEPOSIT EARNINGS STATEMENT DISTRIBUTION

A. Payroll checks and direct deposit earnings statements shall be distributed in accordance with

earnings disposition forms signed by the employees, within the distribution options provided by ASCC policy.

B. Checks and earnings statements awaiting distribution to employees shall be kept in locked storage accessible only to a check custodian and an alternate who have been formally assigned responsibility for the checks and statements.

C. Custodians who release checks or earnings statements to employees not known to them shall require presentation of proper identification before checks or statements are released.

D. When a check or earnings statement is released to someone other than the payee, the custodian shall:

- Require proper identification,
- Require an authorization signed by the payee to release the check or statement, and
- Obtain a signed receipt (check released slip) which will be retained by the custodian.

E. College Personnel may request the Business Office to deposit his/her check in a local banking institution only if they are off island. Requesting employee must provide:

- A deposit slip for each check prior to payday.
- Information concerning where the check stub and deposit slip are to be sent.

F. If personnel wish to have checks mailed to them, they must provide the College with a self-addressed, stamped envelope for each check. This also applies to students who may not be on campus when their paychecks are prepared.

G. Any employee who distributes payroll checks and earnings statements shall not be authorized to approve payroll documents or to review the Distribution of Payroll Expense reports.

H. Unclaimed payroll checks and earnings statements delivered to departments for distribution to employees shall be returned promptly to the campus General Accounting Office with an explanation of the department's inability to distribute the checks or statements.

7003.7A REVIEW OF DISTRIBUTION OF PAYROLL EXPENSE REPORTS

A. As a normal administrative control procedure, departments are expected to review the validity of payroll payments charged or credited to their accounts. Departments shall perform a monthly reconciliation of total salaries paid, as shown on the Distribution of Payroll Expense Report, to total salaries approved pursuant to departmental payroll/personnel records.

B. To assure that all payroll charges are appropriately reviewed, departments are expected to establish necessary internal control procedures. A staff member shall be assigned the task of reconciling payroll expenditures and must document that the monthly review has been performed by signing and dating the Distribution of Payroll Expense Review Report or a reconciliation log (or similar record) maintained for this purpose. The log should record the month and year, full accounting unit, name (printed and signed) of the person preparing the reconciliation, and date. Departments shall maintain the log and make it available for review upon request.

C. An employee who approves payroll time reporting documents and personnel action forms or who distributes payroll checks or earnings statements may not be assigned responsibility for reviewing Distribution of Payroll Expense Reports.

7004 NOTIFICATION OF EMPLOYEE TERMINATION

The termination shall be effected on the Payroll System as soon as the department becomes aware that employee is terminating. If the payroll termination action is after a payroll cutoff date will result in the employee being overpaid, the department also must immediately notify Human Resources and the Financial Department payroll in writing, of the termination. The Department is also expected to see that all ASCC property is returned by the employee to the appropriate office upon termination. This includes keys, Identification Card, ASCC property in the possession of the employee.

7004.1 PAID ANNUAL LEAVE AT SEPARATION

An employee who either resigns or is involuntarily separated is entitled to payment of unused and accrued annual leave. The appropriate form must be submitted for payout, and will be calculated per personnel governance policies. In no event may the annual leave payment exceed the annual accrual maximum for any individual. Payment for unused vacation will be paid in the pay check for which the appropriate payout is received for processing.

7005 TRAVEL

The ASCC Travel and Business Expense Reimbursement Policy provide guidelines and procedures for employees who undertake travel on behalf of the College. The basic intent of the policy is to ensure that individuals traveling on College business neither gain nor lose personal funds as a result of that travel. Travel costs are to be allocated and expended within established budgetary limitations and, as funds to support travel are limited, travelers are not to make commitments to travel or to incur travel expenses without first obtaining the appropriate approvals.

These policies and procedures are intended for College-wide use. However, if an individual organizational unit or department elects to institute a more restrictive policy for purposes of budgetary control, the Department of Finance will support that policy and will work with the organizational unit to enforce it.

All travelers are to comply with the following travel and business expense reimbursement policies and procedural guidelines.

7005.1 TRAVEL AUTHORIZATION

A. Travel on College business must be authorized in advance by the Vice President from specific department travel budget, and is responsible to:

- Review purpose and justification of travel and make the appropriate approval or denial for travel.
- Assure that budgeted funds are available to meet all travel commitments.

B. A Travel Authorization (TA) form must be used to indicate purpose, justification, and details of travel; as well as all appropriate signatures authorizing travel. Authorization must be obtained BEFORE a College employee travels. No employee is authorized to have a vendor charge directly to the college for travel and/or meeting expenses.

C. Upon receipt of TA and supporting documentation (i.e. itinerary), the Business Office will process the advance for travel. A check disbursement will be made to the traveling employee for all allowable travel expenses. Travel expenses are subject to the following guidelines.

7005.2 EXPENSE REIMBURSEMENT LIMITATIONS AND RECEIPT REQUIREMENTS

A. Upon completion of travel the employee is required to file a travel expense report. The expense report must be filed within 30 days of completion of travel. The employee copy of the TA, as well as Conference Information, Trip report, and original receipts must be attached to the expense report.

B. In the event that actual travel expenses are in excess of the authorized travel advance, an employee may request a travel expense reimbursement to recover the allowable portion of the excess. Reimbursable expenses must be itemized by day and receipts should be attached for all expenditures.

C. Reimbursement requests are to be approved by the appropriate Dean/Director before submission to the business office. When a reimbursement is approved, the authorized signer is verifying that the excess expenditure is conformance with all procedures and board policies. The authorized signer has the authority to deny approval of expenditures that do not conform to College policies and procedures. The General Accounting Office will:

7006 PETTY CASH FUND

A petty cash fund refers to a fund of fixed amounts used for making small, emergency expenditures for consumable items only. A request for a petty cash fund may only be pre-approved by the Chief Financial Officer and will be for no more than \$100 per location with final approval by the President. Petty cash funds are subject to audit for the total established amount and must be on hand in the form of either cash or receipts. The custodian of the fund is responsible for the fund and its safekeeping. Receipts of statements that substantiate use of the cash must be on file. The President shall authorized unannounced audit to be conducted on the petty cash fund.

7006.1 FUND REPLENISHMENT

When replenishment of the fund is needed, department staff must bring receipts to the General Accounting Office with an authorization from the appropriate Dean or Director to charge the amount of receipts to the appropriate budget category. Replenishment is processed through the cash disbursement cycle.

7006.2 USE OF PETTY CASH

Petty cash may only be used in situations where time and convenience do not allow for the normal purchasing process. Such transactions, however, must be handled in accordance with the established petty cash purchasing procedures. Failure to comply could result in expenditures that are deemed

unacceptable. Unacceptable expenditures will not be honored by ASCC and in such cases the individual will be held solely responsible and will not receive reimbursement.

7007 RECEIPT OF CASH

All checks received are restrictively endorsed (For Deposit Only to ASCC) immediately upon receipt and examined for the following:

- Made payable to “American Samoa Community College”
- Signed and unaltered
- Pre-printed name agrees with signature
- Date is correct
- Numbered amount is correct and agrees with written amount
- Identification and signature verified against picture I.D.
- Check is drawn on a local bank

Receipts are verified (by a minimum of two people) and the report is sent to the General Accounting Office to be recorded.

7007.1 DEPOSIT OF CASH RECEIPTS

All cash and checks received must be deposited with the college on the day of receipt. Cash or checks received over the weekend must be retained in a secured location and deposited the next business day. Depositors cannot exchange cash deposits with a personal check. Any loss of cash due to negligence shall be paid by the authorized depositor to include disciplinary action and possible termination.

The Finance Department will assess a \$25.00 fee for any check that is returned unpaid for any reason.

7007.2 FACSIMILE SIGNATURES

The use of facsimile signatures is restricted to the college payroll and general operating accounts. The control and use of signature stamps and plates rest solely with the President.

7008 RETURNED CHECKS

To facilitate resolution and collection of all payments made to the college, all returned items are to be logged and attached to the supporting details for the specific payment. All returned checks are charged \$25.00 handling fee. And check cashing privileges for the check writer will be suspended.

7009 CHECK CASHING

Check cashing is prohibited at the American Samoa Community College.

7010 BLANK CHECK CONTROL RECORD

The Department of Finance shall establish and maintain a control record of the receipt and use of blank check stock drawn on the payroll, general, or financial aid funds for which it has accounting

responsibility. This record must be maintained by the control clerk who cannot also be the storage custodian. The record must be detailed enough to show the use and final disposition of each check number for the sequences received.

7011 ISSUANCE AND RETURN OF BLANK CHECKS

The storage custodian is responsible for establishing and maintaining a blank check stock control sheet for each shipment of blank checks received to record the delivery date and inclusive check sequence numbers for each shipment of blank checks received. All numbers missing from the sequence also must be entered on the control sheet when a shipment is received. The date and the signatures of the persons issuing and receiving blank checks must be recorded for each such transaction. In addition, the date and inclusive sequence numbers must be recorded for all unused checks returned to stock after issuance. *When blank checks are returned to the storage custodian, verification of the last check written must be made to ensure that the sequence is maintained.*

7012 VOIDED OR CANCELED CHECKS

A. Voided or canceled checks must be thoroughly defaced by prominently imprinting the word “VOID” or “CANCELED” with a rubber stamp across the payee’s name area. Both voided and canceled checks must be retained until completion of the external audit for the year in which they were defaced.

B. The checks numbers of all voided or canceled checks and the date of the action must be reported in writing to the accounting office control clerk for entry in the control record under the heading “VOID / CANCELED”. A written report of voided and/or canceled checks during processing be included as a transmittal document or the check signer report to the Chief Financial Officer.

7013 STOP PAYMENT/CHECK CANCELLATIONS

The accounting officer is responsible for maintaining a process to affect the stop payment of issued checks, the cancellation of returned checks or the re-issue of stale date checks. Stop payment request should be communicated via the proper and may be delegated in writing to an accounting office staff member, with a copy provided to the bank for information and guidance. The bank’s acknowledgement of the stop payment order should be sent to the accounting office control clerk.

Cancellation of a check will be effected only after the General Accounting Manager receives a written request stating the reason for the cancellation, accompanied by the check that is to be cancelled.

Replacement of checks, if an when deemed appropriate, will be issued in 7 to 10 business days. In no instance will a check be reissued until either (a) Payroll receives written notification from the bank that a “stop payment” order is in effect, or (b) the check to cancelled is received by the payroll division.

7014 STORAGE OF PAID, VOIDED AND CANCELED CHECKS

Paid checks returned with the bank statements must be kept, along with any voided and canceled checks, in locked storage until completion of the external audit for the year in which they were written.

These checks maybe accessible only to the accounting officer or his/her designated alternate (ordinarily, the staff member assigned responsibility for reconciling the revolving fund account).

7015 PAYCHECKS NOT CLAIMED BY PAYEE

Unclaimed checks will be held in payroll and distributed to the employee upon their return to ASCC. The payroll division will not mail checks or advices to an employee's home on a routine basis. Limited exceptions will be made in emergency situations.

The Accounting Staff division will periodically review paychecks that are being held in the payroll. A letter will be sent to current address notifying employee of unclaimed pay check. The employee must claim their pay check after presenting an official identification card.

7100 ADMINISTRATION OF GRANT or SPONSORED PROJECTS

All funds received from a grant for research, education or other purposes will be administered through the Finance Department per established ASCC policies and grantor requirements. Any funded project which meets any of the following criteria, is considered to be a "grant sponsored project."

- A. The project commits the college to a specific line of scholarly or scientific inquiry, typically documented by a statement of work.
- B. A specific commitment is made regarding the level of personnel effort, deliverables, or milestones.
- C. Project activities are budgeted, and the award includes conditions for specific formal fiscal reports, and/or invoicing.
- D. The project requires that unexpended funds be returned to the grantor at the end of the project period.
- E. The agreement provides for the disposition of either tangible property (e.g. equipment, records, technical reports, theses or dissertations) or intangible property (e.g. inventions, copyrights or rights in data) which may result from the project.
- F. The sponsor identifies a period of performance as a term and condition.

7100.1 FINANCIAL RESPONSIBILITY FOR GRANT/SPONSORED PROJECT FUNDS

The Finance Department will generate and provide monthly statements of project expenditures to the department and the President. It is the responsibility of the department to review the statements for accuracy and completeness and to initiate corrections, when appropriate, no later than 90 days from month end.

7100.2 ACCOUNTING AUTHORITY & RESPONSIBILITY

The Finance Department Grants Accounting Manager, in consultation with the department is responsible for:

- A. Establishing and maintaining funds for grant sponsored projects.
- B. Enforcing all grantor rules and regulations and ASCC policies governing the financial administration of grant sponsored projects.
- C. Establishing rules and procedures to ensure compliance with grantor project agreements, regulations, or other requirements relative to the funding of expenditures and financial reporting.
- D. Establishing and maintaining procedures regarding the collection of funds from the department.

7100.3 GRANTS AND SPONSORED PROJECT BUDGET

The department is responsible for preparing a budget within the amount of the award as indicated and per any budgetary constraints imposed by the grantor/sponsor. The budget is entered into the financial accounting system and maintained by the Finance Department Grants Manager.

7100.4 FEDERAL DIRECT COST EXPENDITURES

- A. The department is responsible for the management and administration of his/her award within constraints imposed by the grantor and per ASCC policies. The department may authorize all expenditures of project funds. In some cases, the terms and conditions of the award may require that the specific grant or contract, or subsequent to the initiation of the project. For grants, many federal agencies have delegated most of these required direct cost prior approvals to ASCC under the “expanded authorities” or “waiver authorities” set forth in OMB circular A-110. ASCC has further delegated this authority to the department, subject to their providing and/or maintaining documentation of the appropriateness of the expense in conjunction with the project, and having applied the factors of allowable, allocation, and reasonableness regarding the cost prior to processing the expenditure.
- B. For federal contracts, prior approvals are often required for certain direct cost expenditures, and it is the department’s responsibility to ensure that such approval are obtained, in writing from the grantor/sponsor before funds are expended.

In order for a direct cost to be an allowable cost on a grant/sponsored project, the cost must be:

1. Reasonable. The cost must be necessary for the performance of the award and reflect the action that a prudent person would have taken.
 2. Allocable. The cost can easily be identified with the project and assigned to the project per benefits received.
 3. Consistently Applied. The cost must be accounted for consistently as either a direct cost and or facilities and administrative (F&A) costs.
- C. The department and grant manager must maintain adequate supporting documentation to relate expenditures to purpose of award.

- D. For Federal project, these costs must meet the following conditions:

1. The cost must clearly be identified in the ASCC approved proposed budget with a detailed explanation provided which justifies the necessity for the costs. In such cases where detailed budgets are not provided to the sponsor/grantor and therefore such costs are not evident, specific prior approval of the President is required. If such costs are determined to be necessary after the award is received and not including in the proposal a determination of allowable must be made by the Grants Manager as well as determining sponsor prior approval requirements.

2. The costs must be specifically identified with the project. Individuals performing administrative or clerical activities can accomplish that through certified effort reports. Examples of “major project” where direct charging of administrative or clerical staff salaries may be appropriate, but not limited to:

- Projects which involve extensive data accumulation, analysis and entry, surveying, tabulation, cataloging, searching literature.
- Projects that require making travel and meeting arrangements for large numbers of participants, such as conferences and seminars.
- Projects whose principal focus is the preparation and production of manuals and large reports, books and technical reports.
- Individual projects requiring project-specific database management; individualized graphics or manuscript preparation; and multiple project related to coordinating and communication.

7100.5 UNALLOWABLE COSTS

The following costs are unallowable charges to grant/sponsored projects as either direct costs. They must be identified by the general ledger for those expenses.

- Advertising, other than for help wanted or for the procurement of goods or services necessary for the performance of the award.
- Alcoholic beverages
- Bad debt expense
- Entertainment, unless specifically provided for in the award
- Fines and Penalties
- First or Business Class travel
- Goods and Services for personal use, such as automobiles
- Housing and personal living expenses for officers
- Internal interest expense
- Membership in social, dining or country clubs.

In addition to the specific cost listed above, costs associated with the following activities are unallowable direct charges to sponsored/grant projects. They must be identified and accounted for in funds specified for their purpose:

- Alumni activities
- Commencement and convocation costs

- Executive and Legislative lobbying
- Fund raising
- Investment management costs
- Losses on sponsored agreements
- General Public relations cost
- Costs for prosecuting claims against the Federal government
- Restricted fund overdrafts.

7100.6 TIME AND EFFORT REPORTING

Time sheets specific to time and effort are required to be completed for employees who contribute their service to departments under a grant or sponsored project. This form shall note the time, activities supporting direct effort, and portion of the salary will be charged to the grant (cost center).

7100.7 COST CENTERS

Services provide are charged directly to the appropriate cost centers, including sponsored agreements, based on actual use of the services, through a schedule of cost rate that do not discriminate against federally support projects of the college. Charges for services provided to cost centers must be made every two weeks, to accommodate accurate accounting and facilitate timely financial reporting of sponsored projects.

7100.8 FACILITIES AND ADMINISTRATIVE (F&A) COSTS

ASCC will charge all sponsored projects F&A costs at the appropriate federally approved rate. The only exceptions to this policy:

- A. Awards from not for profit sponsors which have stated policy of awarding funds with an F&A cost at other than the negotiated rate, e.g. Foundations and charitable organizations.
- B. Other awards which have been specifically approved by the President at a local rate. All waivers of F&A on sponsored/grant projects must be approved the President.

7100.9 COST TRANSFERS AND PAYROLL REALLOCATIONS

The department is responsible for ensuring that transfers of costs to sponsored/grant projects, which represent corrections of errors, are made promptly. Transfers must be supported by documentation which contains a full explanation of how the error occurred and a correlation of the charge to the project to which the transfer is being made. Explanations such as “to correct and error” or “to transfer to correct project” are unacceptable. Transfers of costs to any sponsored/grant project account are allowable only where there is direct benefit to the project accounting being charged. The transfer of an overdraft of any direct cost item incurred in the conduct of one sponsored project may not be transferred to another sponsored project account merely for the sake of resolving a deficit of an allowable issue. Cost transfers may be made, provided the following conditions are met:

- The cost is a proper and allowable charge to the project.

- The transfer is supported by adequate documentation fully explaining the circumstances under which the error occurred and certified by the Department Director/Dean and the Chief Financial Officer.
- Transfers which are not made promptly, due to extenuating circumstance, must include an adequate explanation why there was a delay.

7100.10 COST SHARING/MATCHING

This policy is established for the identification, funding, accounting, and reporting of cost sharing or matching requirements in conjunction with a sponsored/grant project:

Types of Cost Sharing:

1. **Mandatory:** costs which are either required by the terms of the award or by federal statute that ASCC must contribute toward the project in order for an award to be made.
2. **Voluntary Committed:** cost associated with a project, which has been identified in the proposal, but for which funding has not been request from the sponsor/grantor. Some common examples include: A percentage of effort for employee included in a proposal budget for which compensation is not requested; and the purchase of equipment for the project, identified in the proposal, for which funds have not been requested.
3. **Voluntary Uncommitted:** Cost associated with a project and not funded by the sponsor/grantor, which has been identified in the proposal, or in other communication to the sponsor/grantor as a commitment of ASCC. Effort of employee's that is over and above that which is committed and budgeted for in a sponsored/grantor agreement.
4. **In-kind:** Refers to the requirement of some sponsored/grantor projects that the grantee is responsible for participating in the cost of the project in the form of non-cash contributions.

7200 PROCUREMENT

A. All purchases for use by ASCC must be submitted to the Finance Department in its complete form to be processed and pre-approved by the appropriate Vice President, Chief Financial Officer and final approval by the President.

B. The President shall have the power to authorize such officers and employees or contractors/consultants as its judgment may seen advisable to execute checks, not to exceed \$10,00. Any financial transaction exceeding \$10,000 requires approval by the Board.

7201 PURCHASE LEVEL PREREQUISITES

- | | |
|----------------------|--|
| - \$0.00 - \$999 | Purchase Requisitions with proper authorizations. |
| - \$1,000 - \$9, 999 | Purchase Requisition with proper authorization, 3 quotations and/or supporting vendor pricing documentation. |
| - \$10,000 – Above | Subject to formal bid/(RFP) procedure. |

7202 COMPETITIVE BIDDING

A. The President has the authority to make exceptions to this policy during the final month of a grant fiscal year in order to expedite the use of funds.

B. All College purchasing \$10,000 and over are subject to formal bid or request for proposal procedures. Exceptions to formal bids must be submitted to the Board of Higher Education for approval. ‘

C. Construction projects, where component parts and services are anticipated to exceed \$10,000, regardless of the number of vendors involved, will be subject to Board approval after the President’s review.

D. Requisitions for bid items must be turned into Purchasing with full specifications. (It is the responsibility of the Procurement Officer to ensure compliance with OMB circular A-110 regarding procurement policy for use of federal grant funds.

7203 SOLE SOURCE PURCHASE

For the College to exercise a Sole Source Purchase a written justification (memo) addressed to the President and Chief Financial Officer is required. Board approval is required when the total cost exceeds \$10,000. Acceptable example of sole source criteria include, but are not limited to:

A. Vendor is the only vendor with specific merchandise or services required, due to special applications, continuity, specific maintenance or warranty requirements, or other extenuating and justifiable factors.

B. Vendor is the only vendor with item(s) currently in stock or with ongoing stocking capability, coupled with a justifiably immediate need.

C. Vendor is the only vendor to meet specific time frame requirements.

7204 LOCAL VENDORS

Purchase of goods and supplies shall be acquired from local businesses, provided such goods and supplies are equal in quality, and that such acquisition will not result in the College paying a price greater than 20% for stock items, or a price greater than 15% for items that must be shipped in, than if the acquisition was made from any other source.

7205 CONTRACTS

A. All requisitions for goods and/or services that must be secured under formal contractual basis must be approved by the Vice President of Administrative Services before initiation.

B. Approval of Contracts – The Board shall review and approve the procurement of all construction goods and services exceeding \$10,000 prior to execution of the contract. The Board may also review contracts of lesser value at its discretion. Any change order to a contract must be approved by the Board before it is executed.

7206 CENTRAL RECEIVING

It is the policy of ASCC to maintain a centralized purchasing function. Purchase orders are issued by the Procurement and Property Management Office only.

All purchases for goods or services shall be reviewed and processed by the Procurement Office. All receiving of goods purchased by the College shall be under the auspices of the Procurement and Property Management Office.

7207 RECEIPT OF MATERIALS

Materials will be processed through Central Receiving on a First In First Out (FIFO) basis unless the nature of the material dictates special handling. Cartons are opened as necessary to determine that the correct item and quantity is present, as specified by the vendors packing slip and ASACC purchase order.

7208 DELIVERY OF MATERIAL

Routing deliveries of material to Departments are usually made within three working days of receipt of merchandise in Central Receiving unless the nature of the materials dictates special handling. The Receiving Report serves as a receipt of materials by the requesting Department. Delivery personnel are required to obtain a signature from the Department requesting the material. It is important to verify the correct number of packages delivered. Delivery personnel are not available to stock shelves or supply cabinets and are not responsible for installation or assembly of merchandise.

7209 DEPARTMENT ACCEPTANCE

The Department receiving the merchandise has three working days to notify Central Receiving of any discrepancies related to a delivery. (This would include overages and double shipments). Always verify your order upon receipt. Notify Central Receiving immediately of any discrepancies related to delivered material. After three working days, if no discrepancies are found, Central Receiving will release the receiving documents to the General Accounting Office for payment and to the Property Management Office for tagging and recording. Extensions from Departments for additional time to complete this process could result in penalty charges from the vendor, which may be charged directly to the Department. If for some reason the Department cannot accept a very large item at the time of delivery, the Department must inspect and sign for the item before it is due for payment (usually within 30 days).

7210 RECEIPT OF MATERIAL BY A DEPARTMENT OTHER THAN CENTRAL RECEIVING

Central Receiving should be notified immediately of the receipt of any material, which requires processing by Central Receiving in order to close the order and allow for the process of payment to vendor. This involves packages that are directly received by the Department. Failure to do so may cause delays in payment to vendors that could result in penalties charged to the Department.

7210.1 HANDLING OF DOUBLE SHIPMENTS/OVERAGES

Central Receiving, must be informed immediately (or within 3 days) of double shipments. This merchandise must be returned to Receiving in its original packaging. Receiving will contact the Vendor and arrange for disposition / return of merchandise. If appropriate, Central Receiving will advise the Purchasing Department of vendors that frequently over ship.

7210.2 COLLECT CHARGES

Shipments forwarded with “Collect Charges” will not be accepted unless Central Receiving is notified and arrangements are made for payment at time of delivery.

7210.3 SHIPMENTS FROM ASCC

Central Receiving will arrange for out bound shipments as requested. Departments shall contact Central Receiving when an item needs to be shipped. Items must be packaged and labeled accordingly. The Department must provide Central Receiving with a description of contents, value, and method of shipping along with the Department account number for shipping expenses incurred.

A “return authorization number” does not pay for freight charges. It only authorizes you to return the item. This is used by the vendor to keep control of what is returned. Vendors will not accept an item without this number. Small items requiring shipment can be picked up by Central Receiving.

7211 SALE OR DISPOSAL OF PROPERTY OR EQUIPMENT

Property shall be properly surveyed prior to disposal. The Vice President of Administrative Services shall approve the disposal of those items, which it originally approved through the purchasing process that had an individual value of \$5,000 or more and prepare a written report to the President.

Items that are owned by the ASCC and are so identified must be cleared by means of an auction or other means as determined by the President prior to their disposal by the College.

Chapter VIII

WORKFORCE, ECONOMIC, AND COMMUNITY DEVELOPMENT GOVERNANCE POLICY STATEMENT

8000 WORKFORCE DEVELOPMENT

The American Samoa Community College shall develop initiatives and programs in support of American Samoa workforce's development effort through partnership with private and public sectors to provide current, relevant and applicable training in building occupational skills and technical capacities of both traditional and non-traditional students; and incumbent workers leading to national certification and/or professional licensure.

8100 ECONOMIC DEVELOPMENT

The American Samoa Community College shall be the economic change agent to foster the development innovative programs and training opportunities creating business prospects to help stabilize and/or increase employment opportunities within the community.

8200 COMMUNITY DEVELOPMENT

The American Samoa Community College shall play an integral part in promoting programs and activities that protects, preserves and perpetuates the community's social and cultural well-being.

8200.1 SUSTAINABLE DEVELOPMENT

The American Samoa Community College shall teach, demonstrate and use sustainable development technologies that promote the economic, environmental and social health of the College and the communities it serves.