



AMERICAN SAMOA COMMUNITY COLLEGE

“Saili le Atamai”

Board of Higher Education Policy Governance Manual

Approved: September 25, 2020

**American Samoa Community College
Policy Governance Manual**

INTRODUCTION

This manual serves as a quick reference to all ASCC Policy Governance Statements.

The American Samoa Community College (ASCC), Policy Governance Manual provides authoritative guidance statements on how we make various kinds of decisions, and on how members of the community can find significant and appropriate ways to participate in governance.

Copies of the ASCC Policy Statement Governance Manual can be obtained from the Office of the President, or the Human Resources Division.

The Board of Higher Education bears final and ultimate responsibility for the operations, activities and property of the American Samoa Community College. The Policy Governance Manual thus includes the following policy governance statements:

- 1) Mission & Vision Statements, Organization Charts
- 2) The ASCC Board Governance
- 3) The Administrative Governance
- 4) The Personnel Governance
- 5) The Instructional and Student Governance
- 6) The Site Facilities Governance
- 7) Financial and Procurement Governance
- 8) Government Workforce and Community Development Governance
- 9) The Management Information Systems Governance

The purpose, applicability, definitions, guidelines, procedures and references to the policy statements are incorporated within the ASCC Rules and Regulations Manual.

Approved by: 
Chairman of the Board of Higher Education

September 25, 2020
Date

All revisions, changes, and additions were passed by the Board of Higher Education during their annual retreats beginning in 2015 and completed chapters in 2020.

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Chapter I GOVERNANCE

MISSION & VISION STATEMENTS, ORGANIZATION CHARTS

I. College Purpose

1000 Mission, Vision, Goal(s), Objectives

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 that 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 progresses with regard to achievement of the following vision and mission statements:

Vision - The American Samoa Community College holds as its central theme *Saili le Atamai* or to *Seek Knowledge*. Our journey pushes us forward to achieve our Mission to provide high quality educational programs and services. We remain grounded in the core values of student centeredness, respect for diversity, collaboration and teamwork, respect for tradition and culture, and lifelong learning while meeting the challenges of the 21st Century. We envision an active impact in the development of the educational, social, cultural, political, economic, technological, and environmental well-being of American Samoa and the Pacific.

Mission - The mission of the American Samoa Community College is to foster successful student learning by providing high quality educational programs and services 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 an open admissions, United States accredited, Land Grant institution, provides access to bachelor and associate degrees and certificate programs of study. These programs prepare all students including those who are educationally underserved, challenged, or non-traditional for:

- **S**uccessful entry into the workforce
- **T**ransfer to institutions of higher learning
- **A**wareness of the Samoan culture and the Pacific
- **R**esearch and extension in human and natural resources

II. College Organization

1001 Governance and Organization Structure

- A. American Samoa Community College shall prepare and publish major organization, department and division charts for the purpose of communicating reporting relationships and functional responsibilities of its employees and more specifically of its management structure. The President shall establish organizational charts that delineate lines of responsibilities, and general duties of employees within the College.
 - B. The Board and President shall have exclusive authority to approve and authorize the major and associated organization charts of the College.
-

1002 College Organizational Charts

- A. The College’s organizational charts shall be made available to all division supervisors and the College website. The major organizational chart shall be updated as assessed. Divisional organization charts shall be approved to include changes by President and appropriate Vice President and copy filed with the President’s Office.
-

1003 Board Policy and College Regulations/Procedures

- A. The Board of Higher Education may adopt such policies as are authorized by law or determined by the Board to be necessary for the efficient operations of the College. Board policies are intended to be statements of intent by the Board on specific issues within its subject matter jurisdiction. The policies have been written to be consistent with provisions of law, but do not encompass all laws relating to the American Samoa Government and Federal activities. All College employees are expected to know or and observe all provisions of law, policies and regulations pertinent to their job responsibilities.
 - B. College Regulations and procedures shall be approved by the President in accordance with Board policy statements and apply to all students and personnel employed by the College, including the President and College administrators, and, where applicable, to agents and consultants of the College and the Board. College Regulations or procedures are to be issued by the President as statements of method to be used in implementing Board Policy statements. College Regulations or procedures may be revised as deemed necessary by the President.
 - C. The President shall provide the Board with copies of the College regulations. The Board reserves the right to direct revisions of the regulations or procedures should they, in the Board’s judgment, be inconsistent with the Board’s own policies.
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1003.1 College Regulations/Procedures

- A. College regulations shall be proposed by any employee of the American Samoa Community College and submitted to their supervisor to be reviewed. A standard form shall be used in the submission and forwarded to the appropriate lines of authority as delineated in the organizational/divisional charts. Any policy that evolves from Federal regulations, local laws, and other documents in which compliance is required, shall be reviewed by the College designated legal counsel.
 - B. Divisions shall develop internal rules specific to the operations of the division which shall be approved by the Division supervisor and endorsed by President or the appropriate Vice President. A copy shall be forwarded to the President’s Office for the record. Internal rules shall be posted in an area that is visible to the employee.
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1004 Comprehensive Program Review and Assessment of Instructional Programs, Student Services and Administrative Services

Purpose:

This policy establishes that the American Samoa Community College shall implement assessment and review processes that authentically measure the work of the institution toward achieving its mission.

The American Samoa Community College is committed to planning, assessment, and continuous improvement by implementing a cyclical and participative process that meets the institutional effectiveness and achievement standards required by the Accrediting Commission for Community and Junior Colleges (ACCJC).

Definitions:

Institutional Effectiveness: The measurement of the American Samoa Community College’s performance against established mission, goals, and outcomes.

Institutional Assessment and Program review:

A collaborative, ongoing effort by administration, faculty and staff to assess the overall effectiveness of the American Samoa Community College’s programs as well as administrative, academic, and student support service areas toward the achievement of its mission, vision, and goals.

Assessment Process:

Involves collecting and analyzing relevant data to learning and performance outcomes. The analysis of the data will provide a measure of the learning and achievements so that modifications can be made in the delivery of instruction or services that will move the institution forward to meet the overall goal of continuous improvement.

1005 Institutional Strategic Plan

The American Samoa Community College shall develop an Institutional Strategic Plan under the leadership of the American Samoa Community College President. The Institutional Strategic Plan shall be submitted to the Board of Higher Education for review and approval. The Institutional Strategic five (5) year plan shall encompass the needs of the entire institution to include:

- Fiscal
 - Physical
 - Technological
 - Human resources
 - Community input
-

Chapter II

BOARD GOVERNANCE

I. Board Governance

2000 Governance Commitment

- A. The Board of Higher Education shall govern the American Samoa Community College according to the Constitution and under Public Law (PL) 22-30 of the Territory of American Samoa. The Board shall always act in the best interest of the College and the Community as a whole.
- B. The Board is 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 establishes a vision, a set of goals; define outcomes, and liaison with the American Samoa Community College’s employees, students, and the community. The Board shall ensure that the College is effectively managed and supports an environment whereby the College shall achieve its mission.

2001 Board of Higher Education Code of Ethics

Purpose:

The American Samoa Community College Board of Higher Education Trustees shall perform their duties in accordance with their appointment and shall be committed to serving the needs of the College while striving to be responsive to the immediate and long-term needs of the community, regardless of race, color, religion, sex, marital status, national origin, age or disability.

Trustees shall adhere to the following principles. It is the Trustees’ responsibility to:

- Devote time and effort to their duties as Board members so that they may render effective and creditable services.
- Work well with fellow trustees in a spirit of cooperation so that all issues, especially those which are controversial, are debated openly and fairly.
- Base personal decisions upon all available facts vote their honest convictions without bias, abide by and uphold the final majority decision of the Board.
- Recognize that the primary duty of the Board is to represent the entire College while maintaining independence from special interests or other politically-active, narrowly focused groups.
- Conduct business, taking official actions in public sessions, yet maintaining the confidentiality of closed session deliberations by not releasing or discussing confidential matters or information.
- Recognize that, absent a financial conflict of interest, every Board member has a legal duty to vote affirmatively or negatively on all action items that as a member of a legal entity, the Board member can neither relinquish nor delegate this responsibility to any other individual or group.
- Remember that as an individual, a trustee has no legal authority outside the meetings of the Board.
- Confine Board action to policy determination, planning, and evaluation. Delegate to and support the authority of the Chief Executive Officer (CEO)/President for the execution of these items on the day-to-day basis.
- Use the powers of the office honestly and constructively, communicating and promoting the needs of the community to the College, and the needs of the College to the community.

- Encourage the active involvement, within the shared governance process, of students, employees, and College Community with respect to their recommendations on policy development and regulations and consider other’s perspectives as issues are discussed.
 - Enhance potential as Board members by participating in educational conferences, workshops and training sessions offered by local and regional organizations and are informed about the actions of the Federal Government and the positions taken by the Association of Community College Trustees (ACCT), on those actions.
 - Support the College’s Mission and Vision statements by working in harmony as a Board, bearing in mind public education is most effective means by which our representative democracy is preserved and perpetuated.
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II. Board Roles and Responsibilities

2002 Board of Higher Education Code of Conduct

Purpose:

Board Trustees shall conduct themselves with proper authority and appropriate decorum as individuals or as a group when serving in the capacity of a Board member.

Trustees shall conduct themselves with:

- Board members will participate in education activities, including territorial, state, regional and national meetings to enhance their ability to serve effectively as members of the College’s governing Board.
 - Board members will not permit themselves to be used to circumvent established lines of authority or interfere in the normal procedures for the processing of complaints or grievances.
 - Board members will not violate confidentiality including discussions, which occur at closed meetings of the Board.
 - Board members will not present an item for action or discussions at the Board meeting, which is not on the agenda unless agreed to by a vote of the majority present.
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2002.1 Board of Higher Education Violation of the Law, Codes of Ethics and Conduct

Violation of Law:

- In the event that the CEO/President and Chair/Chairperson of the Board becomes aware of or is informed of an actual or perceived violation of pertinent laws and or regulations, including but not limited to conflict of interest, open and public meetings, confidentiality of closed session information, and use of public resources, this information shall be consulted with legal counsel and appropriate action taken according to the laws of the state and or territory.

Violations of Codes of Ethics and Conduct:

- Any violation or perceived violation of the Board’s Code of Ethics and or Code of Conduct policy shall be addressed to the Board’s Chair/Chairperson.
 - An opportunity shall be given to the trustee perceived to be in violation of the Board’s Code of Ethics and or Code of Conduct to explain his or her perspective and motives, and to set the record straight or come to an agreed resolution.
 - If a resolution is not achieved and further action is deemed necessary, the Board’s Chair/Chairperson may appoint an ad hoc committee to examine the matter and recommend further courses of action to the Board.
 - Sanctions shall be determined by the Chair/Chairperson (or committee) and may include a recommendation to the Board to censure the Trustees. If the Chair/Chairperson of the Board is perceived to have violated the Board’s Code of Ethics and or Code of Conduct, the Vice Chair/Chairperson is authorized to pursue resolution. (Censure shall be expressed by reprimand, suspension, or termination.)
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2002.2 Board of Higher Education Conflict of Interest

The Board expects ethical conduct by itself and its members. This includes proper use of authority and appropriate decorum in-group and individual behavior when acting as Board members.

- A. Board members must maintain an un-conflicted loyalty to the interests of the ownership. This account supersedes any conflicting loyalty such as that to advocacy or interest groups and membership on other boards or staffs. This accountability supersedes the personal interest of any Board member acting as an individual consumer of College services.
 - B. Board members must avoid any conflict of interest with respect to their Board responsibility:
 - 1. There must be no self-dealing or any conduct of private business or personal services between any Board member and the College except as procedurally controlled to assure transparency, competitive opportunity and equal access to “inside information.”
 - 2. Board members must not use their positions to obtain employment by the College or the furnishing of services or goods to the College for or by themselves, family members, friends or associates.
 - C. Board members shall not attempt to exercise individual authority over the organization except as explicitly set forth in Board policies.
 - 1. Board members interaction with the President or staff must recognize the lack of authority in any individual Board member or group of Board members except as noted in Board policies.
 - 2. Board members’ interaction with the public, press or other entities must recognize the same limitation and the similar inability of any Board member or Board members to speak for the Board.
 - 3. Procedure and action in Section 2002.1 (Violation of Law, Board Code of Ethics and/or Board Code of Conduct) will be used to address Board Conflict of Interest.
-

2002.3 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.

2002.4 Board Self-Evaluation

- A. In order to evaluate progress towards its stated goals, the Board shall annually schedule a time and place at which all its members will participate in a formal self-evaluation.
 - B. The Board shall be evaluated as a whole and not as individuals. The evaluation will focus on the internal Board operations and performance. The Board members shall develop goals against which the Board will be evaluated.
 - C. The evaluation process shall include the establishment of strategies for improving Board performance. Revised priorities and new goals will be set for the following year’s evaluation.
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III. Board Member Requirements

2003 Eligibility and Requirements of a Board Membership

In accordance with American Samoa Government (ASG) Public Law 22-30, individuals selected to be members of the Board of Higher Education for the American Samoa Community College shall consist 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 and a student representative selected by the American Samoa Community College students. The Director of the Department of the Education shall be an ex-officio member with voting rights. A student selected as Board member is a 2nd year. 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.

2003.1 Board Member 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. The student representative shall serve one year, and the Director of Education shall remain until term is over as directed by the Governor of American Samoa. Vacancies shall be filled in the same manner as original appointments as referenced in American Samoa Government Public Law 22-30.

2003.2 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 meeting of the Board, or when a situation that creates a vacancy to the following positions:

- A. Chairperson of the Board
- B. Vice Chairperson

All Board officers shall serve a term of two years.

2003.3 Exclusions

Per the new eligibility requirements adopted by Western Association of Schools and Colleges (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 of the Board shall not have family or personal financial interest in the institution.
 - C. A member of the Board shall not be convicted of a felony.
-

2003.4 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.

2003.5 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.

2003.6 Removal

- A. A member of the Board shall be censured if he or she has three consecutive unexcused absences.
 - B. A member of the Board may be censured before expiration of his or her term for incompetence, neglect of duty, or malfeasance only by a vote of three fourths of the Board members serving.
-

IV. Board Authority

2004 Board Title, Authority, and Duties

- A. The governing board of the College shall be known officially as the Board of Higher Education of the American Samoa Community College. It derives its authority from the American Samoa Code annotated

Chapter 20, PL-2230. “A Board member has no authority except when in an official meeting or except when acting with official authorization of the Board.”

- B. The Board shall serve in a supervisory capacity and function to supervise the implementation of the powers and duties of the College, in addition to the provisions of PL 22-30:
1. Elect its chairperson and other officers.
 2. May change the name of the College, with approval of the Legislature.
 3. Shall review and approve the education program of the College.
 4. Shall grant diplomas, certificates, degrees or other honors.
 5. Shall adopt a Seal of the College.
 6. Formulate policies for the operation of the College.
 7. Service as the link between the College and the community.
 8. Enact written policies at the broadest level to address the Mission, Executive Limitations, Governance Process and Board Staff Relationship.
 9. Monitor the College and President’s performances against Board policies on College mission, vision, goals and Executive Limitations.
- C. Each Board member must provide a copy of their biography as required by the accreditation commission.
-

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 the 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 American Samoa Community College 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
 - 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 or staff relationship, except where the Board specifically delegates portion of this authority to others.
 - F. The Chairperson shall have no authority on his or her own to make decisions about policies created by the Board within the Mission and Executive Limitations policy areas, and on his or 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 Chairperson and Vice Chairperson, 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 Chairperson becomes vacant due to death, disability, resignation, recall or removal by due process, the Vice Chairperson shall assume the office for its unexpired term. The Board shall elect the Chairperson and Vice Chairperson in the next annual meeting.
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V. College Policies

2005 Establishment of Board and College Policies

Written policies shall constitute the basic method by which the Board effectively discharges 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. 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 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 as approved by the Board.
 - D. Harmony with Law: No policy or regulations, nor any portion thereof, shall be operative if it is found to be in conflict with applicable law.
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VI. Board Business

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 to enter into any contract(s) 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 the American Samoa Community College 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 the American Samoa Community College, shall be signed by personnel authorized by the American Samoa Community College and from time to time be determined by resolution of the Board.

2006.4 Deposits

All funds of the American Samoa Community College not otherwise employed shall be deposited daily (Monday to Friday unless situation does not permit) to credit of the American Samoa Community College 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.
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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).

VII. Board Agenda

2007 Board Planning and Agenda

The Board will carry out its responsibilities using Board Policy 2001 Code of Ethics.

The Board will carry out its responsibilities in planning and setting its agenda that include:

- A. The annual planning session will be held in June.
 1. The College mission and strategic plan will be reviewed at the annual planning session.
 2. Financial planning, including the establishment of budget, parameters and priorities, will be conducted at the annual planning session.
 3. Subjects for Board discussion and action during the following years will be developed at the annual planning session.
 - B. The agenda for all Board meetings will be prepared by the Chairperson after consultation with the President and based on input from other Board members. The agenda will be delivered to the Board at least three (3) days before the meeting.
 - C. Education, input and deliberation will be paramount in structuring meetings and other Board activities.
 - D. Board policies and policy revisions will not be adopted until they have been considered at a minimum of two meetings, unless Board action waives this requirement and immediate effect authorized.
 - E. The Board shall hold an annual retreat to conduct a self-evaluation and other important Board business.
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2007.1 Board of Higher Education Self Evaluation

In an effort to assure Board effectiveness, an effective governing Board is committed to assessing how well they perform their governance responsibilities and to using the results of the assessment to enhance Board effectiveness. The evaluation process focuses on Board policies and practices and the role of the Board in representing the community, setting policy direction, working with the President and monitoring institutional effectiveness.

To that end, the Board will conduct an annual self-assessment to include the following processes:

- A. In order to evaluate progress toward its stated goals, the Board will annually schedule a time and place at which all its members will participate in a formal self-evaluation.
 - B. The Board shall be evaluated as a whole and not as individuals. The evaluation will focus on the internal Board operations and performance. The Board members will develop goals against which the Board will be evaluated.
 - C. The evaluation process shall include the establishment of strategies for improving Board performance. Revised priorities and new goals will be set for the following year's evaluation.
 - D. Before the Board orientation and retreat (policy 2010, Board Retreat), the Board will conduct its annual self-evaluation.
 - E. The evaluation instrument will incorporate criteria regarding policy review and updates, Governance responsibilities, as well as criteria defining Board effectiveness established by recognized practitioners in the field.
 - F. Completed surveys will be collected by the Board secretary and forwarded to the American Samoa Community College Executive Director of Institutional Effectiveness for calculated analysis and ratings.
 - G. A summary of the calculated analysis and ratings will be presented to the Board at the Board orientation and training retreat for review and discussion.
 - H. Survey results will be used to identify accomplishments made in the past year and set goals for the upcoming year.
 - I. Publish results for public review.
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VIII. Board Meetings

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.

2008.1 Types of Board Meetings

Meetings of the Board is 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 will be held on the third Friday of every March, June, September, and December at a time and place to be designated by the Chairperson of the Board or upon motion duly approved by the Board.
2. *Special*: Special meetings may be held upon call by the Chairperson of the Board or when requested by four (4) members of the Board. The request for a special meeting will set out the subject or subjects to be considered at the special meeting. The request will be made to either the Chairperson of the Board or the President of the College. A notice will be mailed out 48 hours before the meeting or personally delivered 24 hours prior thereto. The notice will state the time, place, and purpose.
3. *Emergency*: Emergency meeting, 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 will 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 holdings 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

A. The Board and the College as a whole shall 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 ***Robert Rules of Order***. The failure to strictly follow Robert's Rules of Order will not act to invalidate any action of the Board for which a quorum was present otherwise held per the law.

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

1. Call to Order and Roll Call
2. Communications

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 is 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 during regular meetings 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 may 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 will 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 will 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 have 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 participation shall exceed five (5) minutes. Delegations of more than five (5) persons shall appoint one person to present their views to the Board.
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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.
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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 #2008.1B 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 will 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.
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IX. Orientation

2010 Board Orientation and Training

An annual workshop shall 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; Boardmanship; 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 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.
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X. Government and Counsel

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 is 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).

XI. Relationships

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 the Board and President. (*Refer to policy #2002.1 and #2002.2*) 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.
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2014 Relationship Between the Board and the Community or Government

The Board shall 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.
 - B. Development of Community Resources.
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XII. Appeals

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 or her supervisor or among employees, the Board authorizes 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

I. President of the College

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 and or 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.

- A. The Board will direct the President to achieve certain results through the establishment of Ends policies. The Board will limit the latitude the President may exercise in practices, methods, conduct and other “means” through establishment of Executive Limitations policies.
- B. As long as the President uses any reasonable interpretation of the Board’s Ends and Executive Limitations policies, the President is authorized to establish administrative policies, make decisions, take actions, establish practices and develop activities in consultation with the Board.
- C. The Board may change its ends and Executive Limitations policies. However, as long as a policy is in effect, the Board will respect and support the President’s decisions that confirm to that policy.
- D. All decisions of the Board acting as a body are binding upon the President.
- E. Decisions or instructions of individual Board members, officers, or committees are not binding on the President except in rare instances when the Board has specifically authorized such exercise of authority.
- F. If Board members or committees request information or assistance without Board authorization, the President can refuse such requests which require, in the President’s judgment, a material amount of staff time or funds or is disruptive.
- G. The President shall apply to the Board for a waiver of a Board policy if the President deems a waiver is in the best interest of the College.

3001 President’s Role

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 United States (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. 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

The Board shall evaluate the performance of the President annually during an executive session. However, a formative evaluation may be conducted as the Board desires within 6 months into 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 policy #2004 Board Title, Authority and Duties, and 3002 Monitoring the President's Performance*).

3001.5 Salary

The Board approves the President's annual salary and benefits program, which are forwarded to the Human Resources Division 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, American Samoa Community College will not be obligated to pay the fee of the legal counsel.
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3001.9 Suspension of the President

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

II. President's Performance

3002 Monitoring the Performance of the College

Monitoring the Performance of the College

- A. Monitoring executive performance is synonymous with monitoring the College's performance against Board policies and College regulations, Mission, Vision, and Executive Limitations. College policies shall be monitored in one or more of three ways:
 1. Internal Reports-May includes but not limited to: Institutional Strategic Plan, College and Objectives in Quarterly Reports, Bi-weekly Reports, and Annual Reports.
 2. External Reports- and not limited to: Audit Reports, American Samoa Government Performance Quarterly, Accreditation Report.
 3. Direct Board Inspection-The Board shall direct the President to conduct an inspection of documents, activities, or circumstances which allow a test of policy compliance.
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3002.1 Internal and External Monitoring Reports

College policies may be monitored through College Internal and External Reports.

- A. Internal Reports – May include but not limited to: Disclosure of compliance information to the Board from the President. Internal reports include:
 1. Institutional Data Collection
 2. Community Surveys
 3. Placement Data
 4. Assessment of Student Learning Outcomes
 5. 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:
 1. Audit Reports
 2. Licensing Examination Results
 3. Accreditation Reports
 4. Accountability Data
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3002.2 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 American Samoa Community College Mission, Vision, and Executive Limitations policy shall be monitored by the Board at regularly scheduled time pursuant to and agreed method.
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III. College Policies

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, American Samoa Government 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 align with College policies to ensure effectiveness of College preparations.
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IV. President's Responsibilities

3004 General Executive Constraints

The President shall not cause or allow any practice, activity, decisions or organizational circumstances that 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.
 - G. Engage in conduct that may embarrass the College or adversely affect his or her performance.
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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.
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3006 Compensation and Benefits

- A. The President must comply with local laws and rules governing employee ethics and conduct adopted by the American Samoa Community College. The President shall develop College regulations to ensure controls are in place and procedures provided to American Samoa Community College staff in enforcement of compensations and benefit requirements.
 - B. The President may not jeopardize the College’s fiscal integrity or public image with respect to employment to include but not limited to:
 - 1. Change of her or his compensation and benefits.
 - 2. Provide for or change in compensation and benefits of other employees except per the salary schedules and plans adopted by the Board.
 - 3. Promise or imply permanent or guaranteed employment.
 - 4. Grant fringe benefits not approved by the Board.
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3007 Budgeting and Forecasting

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

- A. Propose a budget without information to enable accurate projection of revenues and expenses, separation of capital and operation 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.
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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.
 - 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.
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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 to:

- 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 (1) safety of the principle and (2) obtain the highest possible rate of return consistent with safety of principle in liquidity 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.
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3010 Communication and Counsel to the Board

The President shall inform the Board regarding relevant trends, media coverage or political consequences to the College of 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.
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3010.1 College Accreditation

- A. The American Samoa Community College is accredited by the Accrediting Commission for Community and Junior Colleges of Western Association of Schools and Colleges.
 - B. The President shall ensure the College complies with the accreditation process and Standards of the Accrediting Commission of Community and Junior Colleges, and of other College programs that seek special accreditation.
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3010.2 College Accreditation Administration

- A. In accordance with the standards of the Accrediting Commission for Community and Junior and Senior Colleges, the College shall conduct a comprehensive Institutional Self Evaluation Report as scheduled and host a visit by an accreditation team. Mandatory reports are prepared and submitted to the Accrediting Commission when due.

- B. These employees are responsible for the functions related to accreditation standards must be involved in the Institutional Self Evaluation Report and team visit. There will be active, campus-wide involvement of administrators, faculty, staff, and students in the development of the Accreditation Self-Study
- C. The process for producing the Institutional Self Evaluation Report shall include appointments by the President for:
 - Accreditation Liaison Officer (ALO) Chair or co-Chairs for Accreditation Standards, and
 - Committees to represent the Institutional Strategic Plan: Institutional Planning Executive Core Committee (IPECC) and committees for priorities identified through Institutional Program Review/Assessment/Planning.

When the Institutional Self Evaluation Report is completed, it shall be reviewed and approved by the Board of Higher Education prior to submission the Accrediting Commission prior to the team visit.

V. College Reports

3011 Reports Management

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

The President shall develop a Reports Management Program, and designate the Executive Director of Institutional Effectiveness 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 the Executive Director of Institutional Effectiveness, 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.
 4. Maintain reports and prepare follow-up procedures.
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VI. College Records

3012 Records Management

The American Samoa Community College 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 determines 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.

3012.1 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 the American Samoa Community College 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 the American Samoa Community College 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 American Samoa Community College except upon this finding and recommendation of the administrative unit involved that such records have no further administrative, legal or accounting value.
- D. The American Samoa Community College Archives is the depository for records having research or historical value. The American Samoa Community College 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.

VII. Forms Program

3013 Forms Management

Information is vital to the success of the American Samoa Community College and provides the basis for management decisions. The President of the College has overall responsibility for the management of forms used in the College. The American Samoa Community College'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 the American Samoa Community College must have a form number assigned. Any form created without an assigned form number or registered is prohibited.

VIII. College Grants

3014 Grants Management

It shall be the President’s overall responsibility to ensure the grants received by the American Samoa Community College are managed appropriately per the terms and conditions of the grant in each program area.

IX. College Travel Program

3015 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 American Samoa Community College account.

3015.1 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.

X. College Health and Safety Program

3016 Responsibility to College

The American Samoa Community College 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 the American Samoa Community College management to enforce safety procedures to safeguard its employees and clients. Safe practices on the part of all employees must be part of all operations.

3016.1 Emergency Situations

In the event of an emergency on the campus of the American Samoa Community College, 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 Disaster Emergency Plan.

XI. Awards

3017 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 mad. 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.

XII. College Services

3018 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 service the students, staff and faculty members as required.

The College offers but not limited to the following services:

Services	Department
• Curriculum and Instructional Services	Academic Affairs
• Library	Academic Affairs
• Arts, Music, and Theatrical Performances	Academic Affairs/Fine Arts
• Research in Land, Agriculture, Forestry	Agricultural Community of Natural Resources (ACNR)
• Finances and Grants Management	Finance
• Bookstore	Bookstore
• Cafeteria	Administrative Services
• Personnel Employment, Records Management	Human Resources
• Central Office Personnel Registers	Human Resources
• Planning and Research	Academic Affairs
• Workforce Development (Trades and Technology)	Trades and Technology (TTD)
• Apprenticeship Training	Trades and Technology (TTD)
• Printing, Copying, and Duplicating	Institutional Effectiveness
• Purchasing and Property Management	Procurement
• Facilities Maintenance, Operation, and Construction	Site Facilities
• Financial Aid	Student Services
• Student Records	Student Services
• Student Orientation, Registration, Counseling	Student Services

3019 Administrative Responsibilities

The American Samoa Community College personnel designated by the President as administrators of a division or program are assigned administrative responsibilities that are considered the standard in the performance of their daily duties. The administrator is also required to inform his or her staff of the administrative organizational structure and the proper lines of communications within their divisions and per the American Samoa Community College organizational structure.

3019.1 Delegation of Authority to “Act”

Delegation of authority of “Acting” by a Division Dean, Director, Program Director to another official or a member of their staff must be consistent with the following principles:

- A. The incumbent of the position has the knowledge and ability to accurately and judiciously exercise the authority.
- B. The use of formal authority is necessary to meet the daily requirements of the job.
- C. The delegation is consistent with the American Samoa Community College policies and regulations.

- D. The delegation can be clearly defined in writing and is not likely to raise jurisdictional questions.
- E. The delegation will promote better balance in workload among positions.

All delegation of authority to “Acting” will be in writing for approval by the President and publicized College-wide.

XIII. Protocol

3020 Administrative Protocols

The President shall develop formal procedures applicable to ensure that special events and visits of high profile guests to the American Samoa Community College are properly arranged. These procedures shall 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 and media relations, hosting and transportation.

3021 Communication Protocols

The College’s approved organizational and department charts will 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 will 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.

3021.1 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 or 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 or her views as that of the College. As a courtesy, the person contacted should notify the President’s Office that a media representative has contacted him or her.

3021.2 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, the American Samoa Community College 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 American Samoa Community College 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.

XIV. Information, Correspondences, and Filing

3022 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. The American Samoa Community College will ensure all action items responded by letter shall follow the basic format within this policy

3022.1 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 or 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 an “internal” business letter usually called “memorandum”, and shall be the key internal communication for the College.
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3023 Standard Filing System

The American Samoa Community College shall standardize its filing system in all departments by assigning Subject Identification Codes (SICs). The Subject Identification Codes also provide a standard system for setting up files. These code numbers cover most subjects found in the American Samoa Community College Policy and Procedural Governance Manual, and should be noted on every correspondence (letters, messages, forms, and reports). The uses of the Subject Identification Codes provide a way for filing letters and other documents consistently and retrieving them quickly.

XV. Building and Office Keys

3024 Distribution of Keys

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

- A. Grand Master Keys
 - B. President, Vice Presidents, Security, and others approved in writing by the President.
 - C. Building Master Keys
 - D. Vice Presidents and designated custodians, Deans or Directors and other supervisory personnel may be issued a key when authorized in writing by the Vice President of Administration and Finance.
 - E. Sub-Master Key
 - F. Department Chair; Other supervisory personnel and technicians may be issued sub-master keys when authorized in writing by a Vice President.
 - G. Change Key
 - H. For individual offices, shops, and laboratories, instructors, staff, and administrative assistants may be issued these keys.
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XVI. College Property

3025 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 function 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.
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3026 Unauthorized Use of College Name

No employee or student of the College shall intentionally use the College name without written consent from the President or designee:

1. Use the name of the College to endorse a product or service offered by any person or organization other than the College.
2. Use the name of the College to endorse or sponsor any occasion or event.
3. Use the name of the College to endorse a political ideology, party or candidate.
4. Attribute to the College any editorial opinion, political ideology or philosophical position or idea.
5. Seek or obtain any organizational membership in the name of the College.
6. Contribute any funds in the name of the College to any person or organization.

This policy shall not be construed to prohibit any person from identifying himself or herself as a student, employee, or faculty member of the College as long as such person does not attribute to the College any statements or actions in violation of the foregoing prohibitions.

Chapter IV PERSONNEL GOVERNANCE

I. Administration

4000 General Administration

The President 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.

The President is responsible to the Board of Higher Education for exercising leadership in and for the administration of all aspects of the American Samoa Community College personnel.

The President will maintain and establish a system of periodic evaluation of the American Samoa Community College employees to review and determine that quality leadership and best work practices of the American Samoa Community College personnel are being carried out.

The President is responsible to comply with established personnel policies and or procedures to ensure that proper personnel action is used when an employee’s review indicates poor performance and or leadership.

The President is responsible to carry out the professional personnel development and management requirements for the American Samoa Community College employees.

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 employees, promotions, transfers and disciplinary actions that conforms to these regulations.
4. Ensure that the American Samoa Community College personnel practices comply with regulations as well territorial statutes governing public personnel administration.
5. Ensure that suitable and qualified applicants are recruited and placed within the American Samoa Community College positions.

4001 Personnel Administration

The President must develop and establish a system that ensures that all personnel policies and procedures are:

- Compliant with applicable, federal, state and local laws and regulation.
- Administered in a consistent and impartial manner.
- Designed to enhance the relationship between the College and its employees.
- Consistent with the College Mission.

The President has the authority to:

- Delegate personnel administration: Training, orientation, and technical aspects in the implementation of all personnel responsibilities.
- Investigate and enforce: The President may issue an investigation to enforce American Samoa Code Annotated, Title 7 and other pertinent statutes and rules governing employment. This may include investigations in qualifications and suitability of applicants for positions.

4002 Changes and Revisions to Personnel Governance Policies

Authority to establish and change personnel policies rests solely with the Board of Higher Education. Policies may be changed at any time, with or without notice, and then only in writing by the American Samoa Community College Board of Higher Education. The President must ensure that the rules, regulations and guidelines or procedures developed to enforce a policy must be in accordance with the policy changes initiated and approved by the Board of Higher Education.

II. Employment

4003 Employment Standard

The American Samoa Community College has adopted the American Samoa Code Annotated, Title 7, Section 7.0204 guidelines as their policy for employment of career service personnel. In summary the guidelines refer particularly to the American Samoa Community College Merit System, that all appointments and promotions to employment in the American Samoa Community College must 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 shall 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 the American Samoa Community College policies.

4003.1 General Requirements of Recruitment and Placement

The American Samoa Community College statement will follow the guidelines listed for employment, recruitment and placement:

- A. *Merit, Fitness, Skills, Knowledge, and Examinations* – Recruitments, hiring, appointments and promotions to all positions must 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 must be made solely on the merit system. The same standards and methods must 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 and Homeland Security. 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 the American Samoa Community College 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 based on facts, as they exist as of the time of appointment but at any time while serving as an employee of the American Samoa Community College.
- F. *Effective Dates of Employment* – The official effective date for all recruitment and placement actions, as well as other personnel actions, must be established by the President.

Exceptions are:

- In the case of resignation, the date is established by the employee resigning.
- Effective dates for appointments can only be established after the prerequisite Medical, Public Safety, Immigration and Homeland Security clearances have been obtained by the American Samoa Community College.
- Effective date for pay grade step increment is determined under the classification and pay regulations.

- Retroactive effective dates are only set when an administrative error has occurred on an appeals action resulting in corrective action.
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4003.2 Merit System

The President of the College must 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 to be consistent with personnel governance policies and procedures and the ability of employees to appeal disciplinary actions. This program must be designed to provide for recruitment and retention of a qualified work force in order for the American Samoa Community College to achieve and provide services that are more efficient.

4003.3 Administrative Responsibility of Employment

The President is responsible to establish and administer procedures for filling vacancies in compliance with appropriate federal, local and American Samoa Community College Regulations.

4004 Competitive or Noncompetitive Hiring

The American Samoa Community College shall hire and fill vacancies either by competitive or noncompetitive measures. The determination shall be made depending on the following types of actions:

A. *Competitive*

1. Selection of an applicant not employed by the American Samoa Community College 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 American Samoa Community College employee who has completed the probationary period to a higher grade position.
4. Selection of an American Samoa Community College 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 American Samoa Community College employee who has completed the probationary period in the career service to the same or similar class held previously at the American Samoa Community College.
 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 shall be hired based on the employment status. The employment status shall not change unless justification is provided and approved by the President. The American Samoa Community College requires that all employee position vacancies be posted as per the following guidelines:

- A. *Internal Posting* – 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 must be posted publicly for at least 15 days before the process of selecting a candidate. The President must 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 Officer and approved by the President.
- An incumbent staff member’s position is reclassified by Human Resources to reflect a change in that individual’s duties and responsibilities. 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 the external posting policy.

4005.1 Employee Recruitment and Hiring

The American Samoa Community College shall recruit and hire excellent faculty and staff based on job-related selection criteria, demonstrated ability, experience, and training. Equal employment opportunity laws, guidelines, and maintaining a diverse workforce will guide all searches. Every effort shall 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 shall adhere to specific institutional recruitment and selection procedures and guidelines. Refer to “Ethics and Conduct” which require avoidance of conflict of interest, “non-participation” in decisions affecting relatives, and avoidance of inappropriate influence in situations such as hiring.

General provision in hiring is as follows:

- A. Vacancies can be filled either competitive or non-competitive per established procedures. The American Samoa Community College shall fill job openings 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. Internal candidates are not guaranteed the position for which they apply.
 - 2. *Testing or 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 or screening can be achieved through competitive or noncompetitive recruitment.
 - 3. *Interviewing*: Applicants shall 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 or employees being considered for employment or transfer to a “Security Sensitive” position. These positions will be restricted to employees who handle currency, have access to financial information on a computer

terminal, have access to master keys and College system network, or who work in an area of the College which has been designated as a Security Sensitive area. A security sensitive position must be identified as such in the Job Description and Announcement.

4005.2 Preference Candidate

The American Samoa Community College has adopted the American Samoa Code Annotated 7.0205 preference candidates in determining career service hire. A candidate must meet the definition of preference eligibility to be qualified:

- 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.
 - A non-resident shall be highly considered for employment, if a permanent resident does not meet the above criteria for employment.
-

4005.3 Employment Applications

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

4005.4 Disqualification, Refusal to Examine Application

The American Samoa Community College may refuse to examine an application, or after examination, may disqualify such applicant or remove his or her name from a register or refuse to certify any person otherwise eligible on a register if the application 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 the American Samoa Community College.
 - Made false statement of material fact in his or 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 or she has participated.
-

4005.5 Examination – Final Rating

The President shall delegate to the Human Resources Officer the appropriate examination for a register for a class to be assigned, ensuring all times that examinations are job-related. Examination shall 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 will 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 will specify

the desirable minimum requirements, the parts of the examinations, and the method of rating. Announcements will be prominently posted to ensure that the information is reasonably available to all.

4006 Academic and Professional Credentials for Faculty

The American Samoa Community College 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 shall give primary consideration to the highest earned degree in the discipline as per the written guidelines. The American Samoa Community College shall 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 shall hire full-time and adjunct faculty members that meet or exceed minimum standards:

- A. Degree Requirements
 - B. Documentation of Education for Placement
 - C. Professional Licensure and Certification
 - D. Verification of Academic Credentials
 - E. Falsification and Omission of Information
-

4007 New Employee Orientation

New employees shall undergo an orientation to acquaint them with the American Samoa Community College'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
- B. Orientation to the job

Employees includes administrators, faculty and staff in career and contract positions.

4007.1 New Employee Orientation Period

New employees shall serve an orientation period of up to 90 days from date of hire. This period is used to determine whether the employment relationship should continue. During orientation period, frequent informal and formal employee performance evaluations will be held. If the American Samoa Community College determines 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 released immediately. If the problem can be resolved beyond the orientation period, the employee will continue through the probationary period of up to one year. If, within the 90 days the employee has acclimated well, his or her probationary period continues with the remaining nine (9) months, and to complete the necessary verification documents for file.

Probationary Period

Any employee serving a probationary period will 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.

Probation period consists of the following:

- A. Probationary Period Review
- B. Notification of Successful Completion of Probationary Period

Extension of Probationary Period may be considered under certain performance substandard.

4008 Faculty Appointments

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

“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.

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

A. *Part-time Faculty includes 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. 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 - Qualified individuals 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.
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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. The American Samoa Community College shall make appointments of eligible applicants based on the requirements of the appointment. Appointments types shall 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 days, based on the agency justification of the continuing state of emergency. If a person other than a United States citizen, United States national or permanent resident of American Samoa 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.
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4008.2 Service Placement

The American Samoa Community College provides opportunities for career service employees, and these opportunities are promotions, voluntary transfer, and lateral assignment change within the American Samoa Community College to meet College interest or to fulfill the employee needs for professional and personal growth.

A. *Promotion*

1. Eligibility – No employee will be eligible to be selected until he or 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. An 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.
2. Unsatisfactory Performance – A permanent employee who is promoted and fails to satisfactorily complete the probationary period will be given 15 days written notice no earlier than 90 days after assuming the position. The President shall notify the employee of the date he or she will revert to his or her former classification.
3. Rules of Promotion – This rule applies in determining grade level and salary for promotion.
4. Lateral Movement (Reassignment)
5. The President shall approve all lateral movement of the American Samoa Community College employee by reassignment of a permanent or contract employee from one position to another class within the American Samoa Community College. If reassignment includes a promotion, the rules governing promotion apply.

B. *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 will 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 or her current salary. An employee shall not achieve permanent status in the position detail.

C. *Demotion*

An employee who is demoted as a result of disciplinary or non-disciplinary, voluntary or no voluntary may not receive pay at a higher rate than he or she received before demotion.

4008.3 Reinstatement and Reemployment

Career employees may be separated from the American Samoa Community College 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, the American Samoa Community College shall ensure that former employees are reinstated and reemployed accordingly.

A. *Reinstatement after Separation*

1. 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.
2. Reinstatement to the same class of work or grade previously held is noncompetitive.

B. *Reemployment After Layoff*

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

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

2. No new employees will be hired in a class if eligible class members remain on the reemployment lists.
3. An employee reemployed from a layoff list will be fully restored to his/her position with all rights to permanent status. No seniority will be earned during the period of layoff.

C. *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 the American Samoa Code Annotated Chapter 3, Section 4.0308. Human Resources Division will notify the American Samoa Government Retirement Office to cancel the annuity for the duration of employment.

4010 Veterans Preference

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

- A. Ten additional points to a disabled veteran. The preference will be used in open competitive examinations only and not in promotional examination.
 - B. Five additional points to a veteran or the unmarried widow (er) of a veteran. The preference will be used in open competitive examinations only and not in promotional examinations.
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III. Employment Contracts

4120 Contract Specialist – General

It is the American Samoa Community College hiring and employment agreement, that when a position cannot be filled within the career service, it may be filled from outside of American Samoa. When the American Samoa Community College 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 or she meets the residency requirements (immigration status).

The following actions are used for hiring and determination of terms and conditions:

- A. *Contract Specialist Hiring Permitted*
When there are no qualified local candidates for a given position after exhausting recruitment efforts, an exception to appointment or hiring of qualified candidate residing outside of American Samoa.
 - B. *Contract Specialist Recruitment and Selection*
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4120.1 Employment Contract Agreement

The standard “Employment Contract Agreement” shall be prepared by the American Samoa Community College 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.

IV. Employment Conditions

4200 Employment of Non Residents

The American Samoa Community College 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 United States (U.S) and American Samoa. Only individuals lawfully authorized for employment in American Samoa shall be employed.

4201 Employment Terms

The American Samoa Community College has established two categories of employees with term of contract. A term of contract is defined as the expectation of employment to be continued for a specified period of time. Employees of the American Samoa Community College 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 a 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 a full-time faculty is one year.
- B. Full-time administrative, professional/technical, and support group members in position control or budgeted positions that have completed the probationary period; the term of contract period for full-time administrative, professional or 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. Employment relationship may be terminated at the will be either the employee or the American Samoa Community College without due process.
 2. Employment may be terminated for any reason.
 3. Employment may be terminated without prior notice or due process.

The American Samoa Community College in a written statement in an application, contracts, and job offers shall state the at-will status of the employment relationship and will be made known to the employee.

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

4202 Conflict of Interest

The American Samoa Community College expects all of its employees to serve the interest of the College first. 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 or her required duties are in direct discord with the College’s interest, which could potentially adversely affect the College’s Mission.

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 or her duties or responsibilities at the American Samoa Community College, including research and public service activities.

4203 Employee Code of Conduct

The American Samoa Community College expects that its employees shall 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, shall not be tolerated in the classroom, workplace, or in any College location.

The American Samoa Community College’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. The American Samoa Community College expects that its employees recognize that inappropriate conduct, from rudeness to theft, is unacceptable.

A. 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 shall result in disciplinary action and may be a cause for progressive discipline or possible termination of employment

B. Commission of a Criminal Act

An employee admitting or found to have committed a crime during his or her tenure with the American Samoa Community College 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. The American Samoa Community College 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.

C. Nepotism

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, the American Samoa Community College has adopted the following guidelines:

- A. The American Samoa Community College will request only that information required for business or legal purposes.
- B. The American Samoa Community College will protect the confidentiality of all personal information in its record.
- C. The American Samoa Community College will limit the availability of personal information to those agencies with a “need to know”.
- D. The American Samoa Community College 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 or her official records, and to inquire about inaccurate information or express disagreement with material contained in personnel file.
- 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. In addition, under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. §1232g; 34 CFR Part 99) the major goals of the privacy rule is to ensure that employees who handles student information safeguard and comply to FERPA provisions.
- H. The American Samoa Community College 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.
- I. The American Samoa Community College will require each employee involved in recordkeeping to adhere to these policies and practices, and violations shall result in disciplinary action or possible termination.

4205.1 Collecting and Retaining Personal Information

The American Samoa Community College shall follow the requirements of equal opportunity, federal and local regulations regarding the collection of information from job applicants and employees.

4205.2 Personnel File

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

- Employment Application or Vitae
- 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, and Medical Certifications)

A. Information Not Retained in Employee Files

1. List of hobbies and outside activities.
2. Marriage certificates, birth certificates or other documents for which the American Samoa Community College has “no need to know”.
3. Information on an employee’s credit worthiness and financial standing with the exception of employees in positions that directly deals with College funds.

4205.3 Disclosure of Employee Information

Requests for employment verification or job references received by divisions or departments should be sent to the Human Resources Office for handling. Except in unusual circumstances, the Human Resources Division and Finance 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 shall be maintained in the individual personnel file.

All requests for information about a current, retired, or terminated employee must be referred to the Human Resources Division. The Human Resources division 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 the American Samoa Community College.

4205.4 File Retention

Original personnel records of current employees shall be file and secure at the American Samoa Community College Human Resources Division. The American Samoa Community College Archives shall retain personnel files for five years after an employee’s separation date. Paper copies of personnel records shall be digitized on any acceptable database by the Human Resources Division as a backup copy of each personnel record.

4206 Outside Employment

The American Samoa Community College employees shall not engage in, 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.

- B. Involves such hours or work or physical effort that it would or could be reasonably expected to reduce the employee’s quality or quantity of service to the College.
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4207 Violence in the Workplace

The American Samoa Community College 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 shall 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” includes 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 or 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.

Additional “Acts of Threats of Violence” include the:

Violence Against Women Act 1994 (VAWA)

- *Domestic Violence*
Domestic Violence is a felony or misdemeanor crime of violence committed by:
 - A current or former spouse of intimate partner of the victim.
 - A person with whom the victim shares a child in common,
 - A person which is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.
 - A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under VAWA)
 - Any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

 - *Dating Violence*
Dating violence is committed by a person:
 - Who is or has been in a social relationship of a romantic or intimate nature with the victim.
 - Where the existence of such a relationship will be determined based on a consideration of the following factors:
 - The length of the relationship.
 - The type of relationship
 - The frequency of interactions between the persons involved in the relationship.

 - *Stalking Violence*
Stalking violence means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - Fear for his or her safety or the safety of others.
 - Suffer substantial emotional distress.
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4208 Equal Employment Opportunity and Affirmative Action

Equal Employment Opportunity

- A. The American Samoa Community College through responsible administrators and supervisors, shall recruit, hire, train, and promote 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 decisions on the principles of equal employment opportunity and with the intent to further American Samoa Community College affirmative action program goals.
- D. Management and supervisors shall take affirmative action to ensure that minority groups, 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. The American Samoa Community College 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. The American Samoa Community College is committed to equal opportunity for all applicants and staff in personnel matters including recruitment, hiring, benefits, training, promotion, compensation, transfer, and layoff or termination. We strive for a staff that reflects diversity, and shall 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 the American Samoa Community College 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 the American Samoa Community College.
 - 4. To report to the Board on all activities and efforts to implement the American Samoa Community College policy of equal employment opportunities.
 - 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 Employment Preference

- A. The American Samoa Community College shall adhere to all applicable local immigration qualifications laws pertaining to the employment of non-residents.
- B. If no resident can be found who meets the minimum qualifications for employment established for a particular Staff Appointment Type as defined in Policy 4005.2, the American Samoa Community College may employ nonresidents.

4208.2 Conformance to Federal Provisions

The President is responsible to enforce all rules and regulations under the Equal Employment Opportunity and Affirmative Action Plan for the College.

4208.3 Enforcement Responsibility for Equal Employment Opportunity and Affirmative Action Plan

The responsibility and authority of enforcement of this policy is vested with the President, who shall delegate a designee to coordinate and monitor the enforcement of the Equal Employment Opportunity (EEO) and Affirmative Action Plan (AAP) for the College.

4209 American with Disabilities Act (ADA) Compliance

The American Samoa Community College welcomes applications from people with disabilities and does not discriminate against them in any way. The American Samoa Community College 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

The American Samoa Community College 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 or disability per the American Disability Act (ADA). It is the right of the American Samoa Community College to have the final say on reasonable accommodations – as long as they meet the criterion of effectiveness.

4210 Non-Discrimination

The American Samoa Community College prohibits discrimination against any person based on 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 shall 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 must implement this policy and notify administrators, professional staff and employees about the policy. The President must also establish procedures to investigate and to process complaints made under the policy.

The College shall go beyond avoiding overt discrimination and will, through its 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.

The American Samoa Community College must comply with the following discriminations under Title VII of the Civil Rights Act of 1964, Title IX, and the Violence Against Women Act (VAWA):

- 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 Family and Medical Leave Act (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 (IDEA), as amended, protect individuals, whether employees or job applicants, who are 40 years of age or older, from employment discrimination based on age. Under Age Discrimination in Employment Act of 1967, it is unlawful to discriminate against any individual because of their age with regard to any term condition, or privilege of employment, including, but not limited to hiring, firing, promotion, layoff, compensation, benefits, job assignment, or training.
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4211 Harassment or Sexual Harassment

The American Samoa Community College shall not tolerate harassment including sexual harassment, which is contrary to basic standards of conduct between individuals and is prohibited by Equal Employment Opportunity Commission (EEOC) 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 face, 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 with respect to Title IX of Civil Rights Act 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.

C. *Violence Against Women Act (VAWA) 2000* and as amended to improve criminal Justice and community-based responses to domestic violence, dating violence, sexual assault and stalking in the nation. Domestic violence, dating violence, sexual assault and stalking are crimes that are not tolerated in any service, program or within the premises of the American Samoa Community College.

4212 Appeal and Grievance

- A. Appeal – The American Samoa Community College 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 the American Samoa Community College shall be discriminated against, harassed, intimidated, or suffer any reprisal as a result of filing an appeal or grievance or participating in the investigation. If an employee feels that he or 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. The American Samoa Community College should attempt to resolve the problem informally with their supervisor as soon as possible (Refer to grievance regulations).
 - D. All requirements of a grievance must be exhausted including a final decision by the President before an employee may appeal his or her case directly to the Board of Higher Education. In the event of an appeal, the employee must provide a copy of his or her appeal to the President and the Equal Opportunity Coordinator.
 - E. No employee of the American Samoa Community College shall breach the grievance or appeal procedures as set forth in this policy, if an employee does not follow the grievance or appeal procedures, they may face disciplinary action up to and possible termination.
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4215 Drug and Alcohol

The American Samoa Community College shall not tolerate the use or possession of drugs and alcohol in compliance with federal and local regulations. The following shall be observed by all employees and students.

A. Use Prohibited:

No employee or student of the American Samoa Community College 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 Regulation.

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 and suspension.

B. Impairment Prohibited:

No employee or student of the American Samoa Community College 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 or 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 shall notify his or her supervisor or instructor. Any violation of this policy shall result in possible termination and suspension.

C. Possession Prohibited:

No employee or student at any work or class site shall 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 or student shall notify his/her supervisor or instructor prior to the start of the work shift or class. Any violation of this policy shall result in termination and suspension.

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, the employee will automatically be terminated, and the student suspended.
- B. Test Results – The test results will be reviewed to determine whether there is any indication of controlled substance abuse. The releasing of test results will be reviewed in accordance with local and federal law.
- C. Employee Assistance – The American Samoa Community College encourages 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.

4216 Smoking Prohibition

The Board of Higher Education intends to create a working and learning environment on campus that promotes the health and well-being of both College employees and students. Smoking and use of tobacco products will only be allowed in designated smoking areas. The President will designate smoking areas.

V. Employment Development

4300 Employee Performance Evaluation

The American Samoa Community College 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 or budgeted positions.

- A. 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.
- B. Evaluation Counseling - Improvement of Performance
 1. 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.
 2. 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.
 3. When 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, if termination is necessary, lead the termination process in order to assure confidentiality, professionalism, and compliance with applicable policies and regulations.

4301 Disciplinary Actions

The American Samoa Community College uses progressive discipline to ensure employee 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.

The American Samoa Community College shall 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 shall be effective 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.

A. *Disciplinary Actions*

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.

B. *Progressive Disciplinary*

The American Samoa Community College 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 is in the standard schedule of disciplinary offense and penalties, in the Personnel Manual.

C. *Corrective Action*

The American Samoa Community College shall establish and maintain standards of employee conduct and supervisory practices, which will, in the interest of the American Samoa Community College 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:

1. Constructive effort by the supervisor to help an employee to achieve full satisfactory standards of conduct.
2. Correct employee shortcoming or negative behavior to extent required.
3. 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.
4. Written documentation of disciplinary warnings given and corrective measures or actions taken.
5. 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 Officer, it appears appropriate to do so. When it is finally removed from the file, the employee will be notified.

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

4303 Standard Schedule of Disciplinary Offenses and 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 the American Samoa Community College, it will 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 progressive 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.

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

4303.1 Disciplinary Action, Suspension and Dismissal

The President, or authorized 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 will include offense listed in the Standard Schedule of Disciplinary Offense, but are not 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 duties 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.
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4304 Employee Separation

The American Samoa Community College will separate an employee from employment for reasons as indicated: termination, resignation, absences without leave, layoff due to reduction in force, death, retirement, and discharge. The American Samoa Community College will retain this information for reporting and decision making purposes on former employees.

The following are employee separation actions:

- A. Termination Actions
 - B. Resignation Conditions
 - C. Absence Without Leave–Abandonment of Position
 - D. Layoff – Reduction in Force
 - E. Exit Interview
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VI. Training and Development

4306 Training Programs

The American Samoa Community College has an obligation to its employees to utilize and develop the talents and abilities of each employee to the maximum extent. It is necessary that all established programs operate to:

- Improve public service.
- Increase efficiency and economy.
- Build and retain a workforce of skilled and efficient employees.
- Install and use the best modern practices and techniques in the conduct of government business. Training is designed to provide employees with the skills, training, and experience necessary for their continued development relevant to their job requirements.

Training is designed to provide employees with the skills, training, and experience necessary for their continued development relevant to their job requirements.

- A. *Training Records*

The American Samoa Community College shall prepare documentation in official personnel records, letters of completion for individuals completing satisfactory any approved employee training.
- B. *Employee Training Development*

The American Samoa Community College is committed to providing quality instructions and services to the American Samoa community. The needs of the College supersede the needs of an employee.

VII. Employee Conduct

4400 Attendance and Time Reporting

The American Samoa Community College employees are expected to attend work regularly as a basic condition of employment and to report attendance established by division or department supervisors.

4408 Political Activity

The American Samoa Community College 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. The American Samoa Community College shall 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 the American Samoa Community College’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 Seeking Elective Office – An employee who wishes to seek elective office should inform their supervisors and the President. Subject to the requirements of law, The American Samoa Community College 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. An employee who is granted leave under this policy must comply with the American Samoa Community College’s policy for unpaid political leave in its entirety.
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4411 Acceptable and Safe Use of College Equipment, Property and Services

Employees of the American Samoa Community College will not directly or indirectly use or allow the use of property, equipment, or supplies belonging to the College or located on the American Samoa Community College 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 the American Samoa Community College 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.

- A. *Personal Telephone Calls*
Personal use of the American Samoa Community College telephones for local or long distance calls by an employee is prohibited, except in the case of an emergency.
- B. *Personal Mail*
The American Samoa Community College employees’ shall not use the American Samoa Community College as their personal mail address. All mail, including personal mail, delivered to this address will open and routed to the addressee. Personal mail should be delivered to an address other than the College’s.
- C. *The American Samoa Community College Email and Internet Services*
The American Samoa Community College’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. The College shall not tolerate individual abuse through the accessing of chat rooms, pornographic, or other inappropriate materials. 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. Any violation shall be subject to disciplinary action.

VIII. Employee Benefits and Services

4500 Employee Leave

The American Samoa Community College 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, a 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.

A. *Annual Leave:*

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

B. *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 or 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.

1. *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.

C. *Family Medical Leave:*

The Family Medical Leave Act (FMLA) of 1993 was designed to help an employee keep his or her job while taking time off for major medical and family events. An employee of the American Samoa Community College is eligible for FMLA leave if he or 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. FMLA 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.

D. *Administrative Leave:*

1. *Professional Development:*

The American Samoa Community College is committed to providing quality instructions and services to the community. To this end, the importance of an on- going professional development program for instructional and administrative personnel is essential.

2. *Bereavement Leave:*

One to five days, at the discretion of the President, may allow for a death in the immediate family of a full-time career service employee of the American Samoa Community College.

4501 Advanced Annual and Sick Leave

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 specific requirements and limitations.

4501.1 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 serviced will be 5 years from the effective date, and must be supported by a DD214 form.

4502 Leave Entitlement

- A. An employee of the American Samoa Community College 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 or her an amount of annual leave equal to the amount, which, except for this subsection would have accrued, to him or 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 or her credit and who is separated from employment with the American Samoa Community College is entitled to payment of accumulated, accrued annual leave in a lump sum.
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4503 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 the American Samoa Community College as a result of the leave of absence, but no benefit credit will be accrued toward annual and sick leave entitlement for the duration of the leave.

It shall be the practice of the American Samoa Community College 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.

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. Extended Leave Without Pay:

1. 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.
2. Travel and or research, which will impart knowledge, skills, and or abilities, required in the employee's work.
3. Extended illness with a positive prognosis, or family or personal problems, an end of which can reasonably be predicted.
4. To work for another agency of the American Samoa Government 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.
5. To serve a required period of military service beyond the 15 days which are authorized for pay purposes. The military duty must be for a period 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.

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

B. Political Leave:

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

C. Excused Absences:

The American Samoa Community College may approve excused absences per the following:

- 1. Employment Examination
- 2. Physical Examination
- 3. Medical Treatment
- 4. Tardy
- 5. Donate Blood
- 6. Emergency Rescue Exercise
- 7. Civil Defense Program
- 8. Register to Vote
- 9. Jury Duty/Witness

D. Unauthorized Absences:

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

4505 Workers Compensation

It is the American Samoa Community College’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. Employees must report all job-related accidents, injuries, and illness immediately after experiencing symptoms. Employees eligible for sick leave are entitled to benefits.

4505.1 Mishap or Injury Reporting

- A. Any employee injured on the job must report the injury immediately to his or her supervisor, regardless of whether the injury is minor or of no apparent significance.
- B. An incident report must be completed promptly by the supervisor to ensure documentation and expedite compensation, using the Accident Report Form.
- 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 the American Samoa Community College employees:

<u>HOLIDAYS</u>	<u>DAY OBSERVED</u>
New Year’s	1 st of January
Martin Luther King Day	3 rd Monday in January
Presidents’ Day	3 rd Monday in February
Good Friday	Friday before Easter Sunday
American Samoa Flag Day	April 17th
Memorial Day	Last Monday in May
Independence Day	July 4th
Manu’a Island Cession	July 16th

Discoverers' Day
Veteran's Day
Thanksgiving
Christmas

2nd Monday in October
11th of November
4th Thursday in November
December 25th

4508 Retirement Benefits

The American Samoa Community College career service employee is eligible to receive retirement benefits through the American Samoa Government Employee Retirement plan as specified by Title 7, Chapter 14, and ASCA.

IX. Classification and Pay Administration

4600 Establishment of Classification and 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 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 for the good of the College.

4601 Exempt or Non-Exempt Employee Status

All positions in the American Samoa Community College shall be classified as either exempt or non-exempt in compliance with the Fair Labor Standard Act (FLSA) and local statutes and for pay administration purposes.

- A. Non-exempt employees are hourly wage earners or those who are “on the clock.” Federal law 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 employers – overtime, compensatory time, or nothing.
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4602 Position Classification System

The President shall develop and maintain a position classification system, which will 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 specifications/employment category which describes 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, and to correct error.
 - E. The auditing of positions in order to ascertain that current positions are correctly classified.
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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.

4602.2 Job Descriptions

The American Samoa Community College must 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.

X. Salary Administration

4603 Salary Administration

The American Samoa Community College will strive to pay wages competitive with those in our community and industry, recognizing individual effort and contribution to the American Samoa Community College's success.

4603.1 ASCC General Pay Schedules

The Board of Higher Education shall approve changes to the American Samoa Community College Pay Schedules. Human Resources Office retains a copy of the most recent American Samoa Community College General Pay Schedule, and copies are distributed to Administration.

4603.2 Pay Schedule Placement

A. Initial Appointment.

1. All initial appointments will be made at the first step of the appropriate pay range of each of the two salary schedule 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 Deans, Directors and Officers 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 will 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 will apply.

C. Reinstatement.

1. When an employee is reinstated within a year of separation from the American Samoa Community College or Government service, he or she may be paid at any rate within the pay range does not exceed his or 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 will apply only when an employee eligible for reinstatement has been separated for at least one year from the American Samoa Community College 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 or her former position, will have his or her rate of pay set at the step he or she would have received and his or her service with the American Samoa Community College or the Government continued. If re-employed in a different position, the pay governing initial appointment will apply.
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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” performance 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 the 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.
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4604.1 Step Increment Increases for Length of Service

- A. Every career service employee is entitled to an annual step-increment increase at the beginning of the pay period immediately following his or her service year preceding such increase if the performance of duties is satisfactory unless otherwise mandated.
 - B. The compensation for an employee, denied an increment because of substandard performance, may be awarded upon satisfactory performance. The employee’s increment anniversary date shall be adjusted accordingly.
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4605 Overtime

The President must establish internal procedures for the review and approval of overtime. Overtime work must be authorized only when absolutely necessary for nonexempt employee. Employees will not be permitted to work more than forty (40) hours during work week (as per Fair Labor Standard Act) unless the additional work is recommended by the respective administrator and pre-approved by the President of the College.

4605.1 Compensatory Time Off

Compensatory time-off will be granted to a full-time, exempt (GS 12 and above) employee in alignment with the American Samoa Government Administrative Code section 4.0410 and the provisions of the Fair Labor Standards Act (FLSA) as amended in 1986.

4608 Timesheet

Time sheets are the American Samoa Community College’s record of adherence and accountability to Fair Labor Standard Act regulations, and are regarded and accepted as legal document. It is the employee’s responsibility to ensure his or her time sheet is completely and accurately fill with proper signatures affixed to it.

Chapter V

INSTRUCTIONAL AND STUDENT SERVICES GOVERNANCE

I. Instructional

5000 Statement of Instructional Philosophy

The Board of Higher Education, President of the College, Administrations, Faculty, Staff and Students of the American Samoa Community College are committed to providing the people of American Samoa an institution of high quality educational programs and services.

High quality educational programs and services include:

- Comprehensive general education program,
- Content and Workforce educational programs and skilled training,
- Agricultural, marine, adult education and Samoan or cultural research, extension and outreach experiences and programs,
- Articulating of transferability,
- Community awareness programs.

With this desired outcome, the College:

- Provides comprehensive general education, instructional programs and courses of the highest quality-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 an environment where students will acquire marketable skills, develop self -confidence, widen their interests, come to value the search for truth, deepen an appreciation for culture diversity, and equipped to cope with their own societal challenges.
- 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 American Samoa.

5001 Academic Integrity

The American Samoa Community College is committed to academic integrity and standards of excellence in all courses and programs. To promote honesty, responsibility, and academic integrity of all faculty, the College shall ensure all instructors implement and adopt the following principles:

- Researched based best practices of teaching and learning through the continuous evaluation of the teaching and learning process.
- Accountability in academic integrity for students and faculty.
- Academic standards to uphold and ensure quality education and achievement of student success.
- 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

The American Samoa Community College recognizes the principles of academic freedom, as expressed by the American Association of University Professors. Academic Freedom is essential to these 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 American Samoa Community College 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 American Samoa Community College General Catalog, Faculty Handbook, and the Student Handbook.

5003 Family Educational Rights Privacy Act (FERPA)

The American Samoa Community College shall subscribe to the requirements of Section 438 of the General Education Provision Act, Title IV, of the Public Law 90-247, as amended, and to rules and regulations governing the Act, which protect the privacy of students.

The access to student records, as well as the inspection, revision, and handling thereof, shall be governed by applicable laws as well as College regulations.

In maintaining student records with the appropriate degree of privacy, the following information shall be considered “directory information.” Directory information as defined by Family Educational Rights Privacy Act (FERPA) as information contained in the education records of a student that would not generally be considered harmful or an invasion of privacy if disclosed.

5004 Access to Instructional Services

The College shall have in place a system to ensure the availability of Instructional Services to students and the community.

The American Samoa Community College is committed to provide access to educational opportunities to the communities in American Samoa through quality instructional programs that meet the needs of students and community. The commitment includes offering certificate and degree programs and services relevant to the fields of study and academic disciplines and partnerships with public and private schools.

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

5102 Faculty Orientation Mentor and Professional Development

The College shall provide mentorship and professional development opportunities for all faculty.

All new, career or contract faculty are mandated to attend Faculty Orientation a week before the Fall and Spring Semesters are scheduled to start. Faculty needing guidance and or direction will be assigned a faculty mentor. Professional Development will be conducted at least twice a year locally and off island to be attended by faculty when feasible.

5103 Faculty competencies for Instructional Effectiveness

The College shall have a system for the evaluation of all faculty to ensure that professional standards are consistent and conducive to instructional effectiveness.

The American Samoa Community College expects faculty members in all disciplines to demonstrate a consistent level of proficiency in facilitating their courses. The criterion for evaluation of faculty performance evaluation includes responsibility to instruction, responsibility to students, responsibility to institution and community, and responsibility to professional development.

5104 Syllabus

The College shall identify a system for the requirement of course syllabi that include course learning outcomes.

All faculty are required to submit a syllabus for each course using the approved format to the Academic Administrator before instruction begins.

5105 Faculty Use of Copyrighted Materials

The College shall develop a system for the use of copyrighted materials to ensure compliance with Section 107 - 112 of the Copyright Act of 1976, or as amended.

5108 Faculty Teaching Load

The College shall define a system for the calculation of credit hours.

5109 Enrollment/Class Size

The College shall develop a system to determine the process of student enrollment per class based on the need of programs and for the maximization of College resources.

5110 Grading of Students

The College shall ensure the implementation of approved grading system noted in current catalog.

5111 Library Services

The American Samoa Community College shall allocate resources to support library services and scholarly collections in order to serve the information needs of the College and the community.

5112 Articulation

The College shall have in place rules and regulations for transfer and articulation agreements.

Student transfer is a primary outcome of the American Samoa Community College. The articulation process is designed to help students to advance from one course, program, or educational level to the next and to avoid unnecessary repetition of the same or essentially similar course content. Articulation credit consists of equivalency credit granted between institutions.

5113 Grading Policy

The College shall have in place a grading system for all courses consistent with higher education requirements.

Students receive one grade in each course taken. Grades are indicated by letters, to each of which is assigned a certain value in grade points per semester hour of credit as shown in the table below:

Letter Grade	Description Quality	Grade Points
A	Exceptional Achievement	4.0

A-		3.7
B+		3.3
B	Above Average Quality	3.0
B-		2.7
C+		2.3
C	Acceptable Work	2.0
C-		1.7
D+		1.3
D	Not Fully Satisfactory	1.0
D-		0.7
F	Fail (No Credit)	0.0
WF	Withdrawal Fail (No Credit)	0.0
UW	Unofficial Withdraw	0.0

Letter Grade	Description Quality
AR	Academic Renewal
AU	Audit
E	Institutional Credit by Exam
I	Incomplete
NP	No Pass
P	Pass
R	Repeat
W	Withdraw
W/NP	Withdraw/No Pass
X	No Show

5114 Grading and Academic Records Symbols: Credit Courses

The College shall establish a procedure which details the grading system and academic record symbols. The grading system shall be published in the College Catalog and made available to students.

5115 Academic Honors

The College shall have in place a system in recognition and acknowledgment of students with Academic Honors consistent with standards of higher education.”

Student academic achievement shall be recognized each semester via a Dean’s List, and at the time of graduation via Graduation with Honors.

Only students who earned at least 30 credits at the American Samoa Community College, of which at least 27 credits were taken for a letter grade, are eligible for graduation with Honors.

5116 Graduation Requirement

The College shall have in place procedures to ensure student adherence to the graduation requirements.

A student must satisfy the graduation requirements of the catalog year a student is prescribed and the catalog year selected is not prior to initial enrollment at the American Samoa Community College. Students who complete all program requirements should apply for graduation before their final semester.

A student must have a Cumulative Grade Point Average of 2.00 or higher for all coursework towards a degree or a certificate.

5117 Degrees and Awards

The College shall in place a system to ensure conferment of degrees and awards.

The College confers a Bachelor Degree(s), Associate Degrees and Certificates of Proficiency to students who have completed the prescribed requirements for graduation. Only courses that meet the standards for a Bachelor Degree, Associate Degree, and Certificate of Proficiency may be offered for Bachelor Degree, Associate Degree and Certificate credit. The College grants non-conferrable awards and certificates in accordance with requirements set forth by the American Samoa Community College in collaboration with appropriate federal, state or local certification boards.

5118 Faculty Committees

The College shall define a system that ensures the participation of faculty in planning committees for institutional effectiveness.

II. Student Services

5200 Sexual Harassment (Students)

The College shall have in place a system to ensure compliance to federal and local laws on sexual harassment.

ASCC does not condone sexual harassment by any student, instructor, supervisor, or employee. The College shall establish clear procedures in adherence and violations to local and federal regulations on sexual harassment.

5200.1 Student Consensual Relations

The College shall have in place a system to ensure awareness of Student Consensual Relations in compliance with federal and local regulations.

The College discourages consenting romantic or sexual relationship between student and employee where one of the individuals has a professional responsibility for the other. 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.

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 students, professional peers, and subordinates are discouraged.

5201 Student Right to Know Disclosures

The College shall establish a system in compliance with the federal Clery Act, also known as the Student-Right-To-Know and Campus Security Act (Federal Public Law 101-542) for a safe and welcoming campus environment for students and employees.

5202 Drug and Alcohol Awareness

The College shall have in place a system for Drug and Alcohol Awareness.

Alcohol and illicit drug use are prohibited on the ASCC campus. Any student caught under the influence of drugs or alcohol on campus shall be subject to disciplinary action.

The use, manufacture, possession, distribution and sale of alcohol and controlled and or illicit substances are prohibited on the ASCC campus (College-owned property, and at College sponsored or supervised events or activities).

5210 Student Open Admission

The College shall have in place Open Admission rules and regulations congruent to the needs of the community as emphasized in the Mission and Vision of the American Samoa Community College.

The College as an open admission institution ensures access to bachelor and associate degrees and certificate programs of study. These programs prepare students, including those who are educationally underserved, challenged, or non-traditional, for successful entry into the workforce, transfer to institutions of higher learning, awareness of the Samoan Culture and the Pacific, and research and extension in human and natural resources.

- A. General admissions to the College require all applicable requirements for admittance.
- B. Special admissions to a selected program of interest require program admittance requirements.

The College assures that 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.

5210.1 Placement Tests

The College shall have in place a system of rules and regulations for the accurateness, appropriateness, and equivalency of the Placement Test in comparison to other accredited institutions of higher learning.

All new students are required to take placement tests in Math and English. 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 Office.

The Placement Test may be waived for students seeking professional program certification based on work experience in the field within the specialized area. (Programs specificity of equivalence is included in Rules and Regulations)

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

5211 Early Admission

The College shall have in place Early Admission rules and regulations.

Students entering their junior or senior year of high school will be allowed admission during the summer session. These students are limited to two courses providing they meet all Admission requirements. Only high school students entering their senior year will be allowed admission during the fall and spring semesters. These students will be limited to one class per semester.

5212 Student Development Course Work

The College shall have in place Student Development Course Work rules and regulations.

Students who do not meet test score requirements from the ASCC Placement or Scholastic tests (ACT or SAT) 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 requirement developmental courses as assigned will be denied enrollment in ASCC regular College level courses. Students that fail to follow the proper course prerequisites will be subject to the Administrative Drop Policy.

5215 Admissions Residency Requirements

The College shall have in place rules and regulations for Admission Residency Requirements for all students.

5216 Textbook

The College shall have Textbook rules and regulations.

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

The American Samoa Community College shall determine tuition and fees as approved by the Board. Tuition rates are charged per credit hour for resident and non-resident students.

The College shall establish procedures for the collection, deposit, waiver, refund and accounting of fees as required by ASCA 16.2001 law.

5300 Student Academic Conduct and Governance

The College requires certain standards of conduct of all its students. The College shall adopt rules and regulations governing student behavior along with appropriate penalties for student misconduct consistent with applicable law.

The College shall establish procedures, guidelines, and regulations governing the conduct and rights of students and student organizations that are consistent with the function of an institution providing public higher education and with applicable laws.

5301 Academic Standards

The College shall have in place Academic Standard rules and regulations.

The American Samoa Community College is committed to student academic success, by identifying and alerting students who have not met academic standards in order to provide students resources and the opportunity to improve their academic performance.

Academic standing is based upon the students' Cumulative Grade Point Average (CGPA). The academic standing designations are Good Standing, Academic Probation, 1st Suspension, and 2nd Suspension.

5302 Student Attendance

The College shall have in place Student Attendance rules and regulations.

Students must attend all scheduled class meetings and laboratories on time. The number of allowable absences and tardiness is in accordance with the Attendance Rules and Regulations as stated in the course syllabus.

5304 Dean's List

The College shall have in place rules and regulations that acknowledge student merits and academic statuses.

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 (W), Withdrawal Fail (WF), Incomplete (I), and Repeated (R) grades during a semester will be placed on the Dean's List.

5305 Grade Reports

The College shall have in place an academic grading system that shall include grade reports, change of grades, and incomplete grades.

5306 Programs, Policy, and Fee Changes

The College shall reserve the right to change policies, programs, or fees, as approved by the Board of Higher Education.

5307 Academic Renewal

The College shall have in place procedures that provide for academic renewal.

Under certain circumstances students may petition to have previously completed courses at the American Samoa Community College be considered in the computation of grade point averages.

5308 Administrative Drop

The College shall have in place administrative drop procedures to address areas that may include a student's lack of attendance, acquiring of textbooks and course materials, declared major, and prerequisite not met.

An administrative drop will not reflect in the student transcript to protect student's academic records from unintended consequences.

5309 Withdrawal from the College/Course

The College shall have in place rules and regulations to address the different types of student withdrawal requests that include:

- Official/Complete withdrawal
 - Course withdrawal
 - Unofficial withdrawal
-

5311 Course Standard Requisites, Credit, Grading, and Independent Study

The College shall have in place rules and regulations for the following:

- Course prerequisite, audit, substitution, repetition;
 - Credit for transfer courses, credit by examination;
 - Grading (incomplete and change);
 - Independent study.
-

5320 Academic Student Complaint/Grievance

The College will ensure a system in which students can address academic complaint or grievances without fear of reprisal. Complaint/grievance procedures shall be an integral part of the student orientation and be publicly posted.

5321 Student Appeals

The College shall ensure that ASCC students have fair process regarding decisions that affect them. ASCC recognizes students’ rights to raise concerns and appeals without fear of a negative outcome or reprisal.

ASCC will operate with a clear process for academic appeals, disciplinary appeals and handling of student complaints in a timely and fair manner that is consistent with the college’s rules and regulations.

5322 Health Services for Students

The College shall have in place health services to promote a healthy campus environment and safety of its students.

5325 Student Government Association (SGA)

The College shall ensure that an official organization of the student body shall be established to be known as the Student Government Association.

5327 Institutional Financial Aid

The College shall have in place a system of procedures to ensure compliance with local funded and federal funded financial aid requirements.

5330 Withholding of Student Records/Grades, Transcripts, Degrees, Certificates, Registration Privileges

The College shall have in place rules and regulations that reserve the right to withhold access to student records, grades, transcripts, degrees, certificates, and registration privileges.

Current or former students, who have been provided with written notice that they have failed to pay a proper financial obligation to the College, may have grades, transcripts, diplomas, awards, certificates of proficiency, certificates of completion, and registration privileges withheld.

Any services withheld in accordance to this policy shall be released when the student satisfactorily meets the financial obligation to the College.

5332 Non-Discrimination Declaration

The College shall have in place procedures that prohibit discrimination in all programs, activities, and work environments. The College will abide by all applicable requirements of local and federal law prohibiting discrimination.

5400 Clearances to Graduate

The College shall ensure that all prospective graduates of ASCC must clear all obligations that are outstanding to ensure receipt of degree or to participate in the commencement exercises.

5401 Graduate with Honors

The College shall have in place rules and regulations that acknowledge students that 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.

5402 American Samoa Community College Commencement

The American Samoa Community College shall hold graduate commencement after the spring and fall semesters. Students successfully completing all academic program requirements and clearances for graduation will be permitted to participate.

5403 Campus Security

The College shall have in place procedures to promote campus safety and security in compliance to local and federal laws. The American Samoa Community College is committed to students, faculty, staff and campus visitors’ safety and security from campus crime.

5404 Reasonable Accommodation (Student(s) with Disabilities)

The College shall comply with section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA) and other applicable federal and local regulations that allow the College to make reasonable accommodations for qualified individuals with disabilities as required by law.

This policy is intended to guide the student disability accommodation process once a request for reasonable accommodation has been made.

5405 General Student Complaint/Grievance

The College shall ensure a system with which disagreements are expressed, explored, and resolved by the student(s) promptly and confidentially. Student complaint / grievance procedures shall apply but not limited to the following: activities, facilities, student programs, services and student relations.

This policy shall not apply to claims relating to academic grading, academic discipline or academic standing; such matters are within the jurisdiction of the Academic Grievance procedure. The policy also does not apply to claims relating to discrimination, sexual harassment and retaliation which is subject to the College policy against Discrimination and Sexual Harassment.

Chapter VI

SITE FACILITIES GOVERNANCE

I. College Facilities and Property

6000 Display of Flags

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

6001 Naming of College Facilities and Grounds

- A. This policy covers the naming of buildings and facilities, such as areas or rooms within buildings, recreational fields, and the gymnasium, located on Campus.
 - B. Nominations may be received by the College President or any member of the Board. The authority to name buildings, rooms, special areas is reserved solely for the Board of Higher Education 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 recommended 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 has 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 the American Samoa Community College policy that even though the physical space may no longer exist, recognition for the individual recognized in that space will continue in perpetuity.
 - D. The President 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 American Samoa Community College facilities shall provide for the support and operations of College programs. Upon availability, facilities are open for rent to outside organizations and or Government agencies whose proposed activities are consistent with the College Mission.

The President shall review and have final approval of the use of facility requests from external organizations.

The President shall establish a process for the rental of all American Samoa Community College facilities.

6101 Use of College Property / Removal of College Property from College Premises

The President is responsible to establish regulations for the appropriate use of its properties. In substantiated cases of misuse of College properties, it is the policy of the College to obtain full restitution, impose administrative sanctions, and refer violations of criminal statutes for prosecution.

To avoid misuse or misapplication of the property, equipment or the American Samoa Community College employees, the administration, faculty, staff and students shall be prohibited from:

1. Making personal use of any College owned or leased vehicles, equipment, materials, or services.
 2. Rendering services other than for or on behalf of the College during regular working hours.
 3. Using College facilities for any work or business that may directly or indirectly lead to personal gain.
-

6102 Use of College-Owned Vehicles

The President is authorized to establish procedures for the use and maintenance of College owned and or leased vehicles. The President shall establish a system to ensure that all College vehicles are accounted for and licensed.

6110 Physical Facilities Planning and Educational Specifications

The President shall report to the Board the planning for the use of College facilities.

The President shall present to the Board for approval all new College construction projects.

The President shall report to the Board facility improvements such as remodeling and or renovations.

6111 Arrangements for Providing Education Services and Facilities

The President of the American Samoa Community 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.

6112 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.

6130 Campus Utilities

The President ensures the stability of utility services provided to the College. The President ensures energy conservation plans, maintenance, and applications are based on life cycle costing.

6140 Custodial and Maintenance Program

American Samoa Community College facilities shall be constructed, equipped, and maintained in an effort to provide a pleasant, healthful environment that will aid in maintaining a high level of health, comfort, and general well-being of the occupants.

6150 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.

II. College Campus Safety and Security

6200 Campus Safety

The American Samoa Community College endeavors to provide and maintain safe and healthful working conditions and to follow operating practices, which provide safe working conditions and efficient operations. All levels of management have a primary responsibility for the safety and well-being of all employees and/or students participating in their program. Safe practices on the part of all employees must be part of all operations. No 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.

The President shall designate a person(s) responsible for College campus safety procedures.

6201 Food Service

The President shall establish procedures and regulations for food service in compliance with the local laws and regulations (federal statutes if applicable).

The President reserves the right to terminate food service contracts for violation of local laws and regulations. Compliance of these regulations shall be the responsibility of the contracted food service vendor.

6210 Campus Security

The President will outsource or hire security guards for the provision of security services on any property owned or leased by the College. Security personnel are designated representatives of the President in the enforcement of all rules and regulations relating to campus access and safety procedures. Security personnel will ensure their certification under the requirements as set forth by local law and standards.

A. Authority of Security Personnel

Security Personnel have the authority delegated by the President to:

- 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.
- Cause any person disrupting normal campus activities to be removed from College premises.
- Cause the removal from College premises of any person possessing or using any narcotic drug or alcoholic beverages.
- Cause removal from College premises any person possessing a firearm in violation of policies and law.

B. Authority to Inspect

The American Samoa Community College wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, and other improper materials. The American Samoa Community College prohibits the possession, transfer, sale, or use of such materials on its premises. The American Samoa Community College reserves the right to inspect all properties and such materials on College premises with or without prior notice.

6211 Prohibition

The President is authorized and directed to have appropriate notices posted on all College premises to alert all who enter the premises of the prohibitions stated but are not limited to those in policy.

A. Drugs and Alcohol

The American Samoa Community College prohibits alcoholic beverages and narcotic drugs within all owned or leased College buildings, grounds and vehicles. Violation of this policy results in automatic disciplinary actions including immediate termination to personnel or activities sponsored by the College.

B. Smoking and Tobacco

Smoking and use of tobacco products will only be allowed in designated smoking areas. The President will designate smoking areas. Persons violating this policy will be subject to appropriate disciplinary action.

C. *Fire-Arm 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 will be for all licensed law enforcement in the performance of their duties. Violations of this policy may result in immediate removal and termination of employee or expulsion of student from the College.

Chapter VII
FINANCIAL AND PROCUREMENT GOVERNANCE POLICY STATEMENTS

I. Accounting

7000 General Accounting

The President must ensure that accounting practices for the American Samoa Community College (ASCC) 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 President must maintain a system of internal financial and procurement controls that will adequately safeguard all College assets.

7000.1 Accounting Systems

The President must establish, implement and maintain an accounting system in accordance with Generally Accepted Accounting Principles (GAAP).

The President must employ a Certified Public Accountant or an individual with equivalent qualifications.

The President with approval of the Board of Higher Education must designate bank depositories of all College funds. Requests for new banking accounts must have proper documentation and approved by the Board of Higher Education.

Changes made to College account purposes and other specific account information must be reported and approved by the President.

7000.2 Financial Statements

Monthly Budget and Expenditure reports must be submitted to the Board no later than the 15th business day following the end of the business quarter.

The Quarterly Performance Report must be reviewed by the President and submitted to the Board for review prior to submission to the American Samoa Government (ASG) Office of Budget and Management. A copy must be provided to the Board.

7000.3 Facsimile Signatures

The use of facsimile signatures is restricted to the College payroll and general operating accounts. The control and use of signature stamps rest solely with the President.

7000.4 Check Cashing

Check cashing is prohibited at the American Samoa Community College.

7000.5 Financial Emergency Plan

The President and the Vice Presidents of the College shall, after approval from the Board, be authorized to implement the American Samoa Community College Financial Emergency Plan, which shall be used to sustain

institutional effectiveness in meeting its Mission. The Financial Emergency Plan shall provide the American Samoa Community College with guidance on how to proceed during a financial crisis whenever it becomes necessary that such a state be declared at the American Samoa Community College.

II. Audit

7001 Audit Authorizations

In the absence of the President, the “Acting President”, or an authorized designee is approved to act on matters related to the audit.

7001.1 Annual Audit

The American Samoa Community College must hire an independent, recognized, and reputable auditing agency to conduct and annual finance audit of all American Samoa Community College financial internal controls and activities.

7001.2 Audit Reports

The final auditor’s annual report shall be distributed to Board members during the Annual Board of Higher Education meeting for review. Final copies of the Auditor’s report must be given to the Governor’s Office.

Audited Financial Statements for each fiscal year must be submitted to the Board of Higher Education and all applicable American Samoa Government (ASG), and Federal agencies, no later than December 31st, or within the three months after the close of the fiscal year.

III. Fiscal Performance

7002 Fiscal Year

The American Samoa Community College fiscal year is October 1 to September 30. All expenses and transactions must be closed by September 30 of each fiscal year.

Federal and Special Funds are to be closed on dates established by the funding agencies.

IV. Investments

7004 Investments

The American Samoa Community College and the Board of Higher Education shall invest in the established College Endowment in order to maintain the real (inflation-adjusted) value of principle 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.

V. Internal Controls

7005 Financial Internal Controls

The President has the fiduciary responsibility for the accounting records of the American Samoa Community College and ultimate responsibility for the adequacy and effectiveness of the overall system of financial internal controls.

7005.1 Internal Control Systems

The President must establish a functioning internal control system to improve the efficiency and effectiveness of operations and safeguard all College assets. The following, but not limited to, must be followed for internal controls:

- A. Documentation of Internal Controls
- B. Administration of Internal Control
- C. Review and Evaluation of Internal Controls

The President must ensure that the administration shall design, develop, implement, document, and maintain a system of internal controls within each division or department under their supervision.

The President will appoint an Internal Control Audit Committee (ICAC) to provide administration with an impartial, independent analysis, appraisals, recommendations and appropriate comments to the individual responsible for the entity under review. The ICAC will summarize their findings through a written report to be given to the President and the individual responsible for the division or department under review.

The purpose of the Internal Control Audit Committee is to:

1. Determine the reliability and integrity of all operating systems used for College operations;
 2. Confirm that operating systems comply with American Samoa Community College policies, objectives, standards of procedures, and with federal and local laws and regulations;
 3. Appraise computer-based systems in production, in development and or undergoing change;
 4. Evaluate systems development process and computer operations;
 5. Appraise the adequacy of procedures used to safeguard all College assets
-

7005.3 Reserve Funds

In an effort to assure effective management of fiscal resources, the institution shall establish and maintain a minimum of five percent (5%) reserve of local funds from the current fiscal year to ensure financial stability.

The American Samoa Community College Cash Reserve is to ensure long-term financial stability for the institution, and may be called upon in cases where other reasonable methods of revenues are insufficient to maintain a balanced budget. Reserves are not funds set aside for specific expenditures or commitments, but serve as an operating contingency.

Generally, there are three primary uses for the reserves:

1. To protect the American Samoa Community College in cases of sudden shortfalls in revenue (e.g. unforeseen shortfall in enrollment or reduction in American Samoa Government appropriation).
2. To cover unanticipated expenses (e.g. one time legal fees, major disasters, unanticipated increases in utility costs).
3. To provide for extraordinary one time investments.

This reserve is funded on an ongoing basis by the General Fund and is based on the American Samoa Community College monthly cash flow. The different funding sources that make up the General Funds include the following:

- American Samoa Government appropriations
- Tuition and Fees
- College Foundation
- Other Fees (e.g. Facility rentals, cafeteria rentals, and other program fees)

Authority and Conditions of Use

Prior to the unanimous agreement on the usage of the institution’s cash reserve funds, the American Samoa Community College leadership must have a repayment plan to accompany the request or approval letter of usage of these funds.

The President must obtain the approval of the Board of Higher Education of the usage and repayment plan regarding the financial state of the College and the planned usage of the Cash Reserve funds. The American Samoa Community College Cash Reserve funds may be accessed only after approval from the Board of Higher Education.

Restoring Funds

Funding sources for repayment of cash reserve funds will be drawn from:

1. College Foundation
2. Procurement Auction
3. Property Rental Fees
4. Others

The American Samoa Community College must replenish the borrowed amount of cash reserve funds within 90 days of receipt of the funds.

A monthly payment must be made by the American Samoa Community College into the institution’s Cash Reserve Funds. Incremental repayment amount must be the dividend of the amount borrowed by three, or may be more than the dividend amount if possible.

VI. College Assets

7006 Inventories of Materials and Equipment

The President must establish a system of maintaining detailed inventory records of all College assets.

The following College assets are defined as:

- A. Plant Assets
- B. Land
- C. Land Improvements
- D. Buildings
- E. Building Improvements
- F. Equipment

7006.1 Sale or Disposal of Property or Equipment

College property and or equipment shall be properly surveyed prior to disposal through auction, sale or other means as determined by the President.

VII. Budget

7007 Budget

The President shall adopt a budget for the upcoming fiscal year and shall forward it to the Board for approval no later than June 15th.

- A. The College budget functions shall be approved by the Board of Higher Education; these functions are divided into – Executive, Administrative, Student Services, Instructional, and Research.
 - B. 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 Service (5100); Material & Supplies (5200); Contractual Services (5300); Travel (5400); all others (5500); and Equipment (5600).
 - C. Budgeted expenses within each cost center are classified further by line item (i.e. Office, Supplies, Photocopy Supplies, and Postage are line items within in the Material & Supplies (5200) cost center). Departments are responsible for spending within the limits of each major cost center.
 - D. Disbursements will not exceed the revenue raised or the expenses budgeted, except by $\frac{3}{4}$ votes by the Board.
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VIII. Payroll

7008 General Payroll

The President is responsible for all matters related to academic and staff compensation and is the sole official authorized to approve or disapprove of academic and staff payments. Such payments include, but are not limited to:

- A. Compensation – Salary
 - B. Compensation – Extra and Overtime
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7008.1 Wage Attachments and Levies

The American Samoa Community College 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 the American Samoa Community College policies of confidentiality of records.

IX. General Travel

7009 Travel

The President must develop and establish travel guidelines and procedures for employee, students and others who undertake travel for College purposes. 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.

X. Grant Programs and Sponsored Projects

7010 Administration of Grants or Sponsored Projects

The President must establish a system that ensures that all grants, sponsored projects and, Memorandums of Understanding with both government and private entities, are in alignment with American Samoa Community College Policies and College Regulations.

The President is responsible to review and approve all grants, sponsored projects, and Memorandums of Understanding from both government and private entities.

XI. Procurement

7011 Procurement

The President shall oversee and ensure that all procurement services and all procurement of goods and services are in compliance with local and federal regulations. The President may delegate the authority to a designee to execute the duties and responsibilities of procurement.

Chapter VIII

WORKFORCE, ECONOMIC, AND COMMUNITY DEVELOPMENT GOVERNANCE

I. Workforce

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 provided 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.

II. Economic

8100 Economic Development

The American Samoa Community College shall be an economic change agent to foster the development of innovative programs and training opportunities to help stabilize and/or increase employment opportunities within the community.

III. Community Development

8200 Community Development

The American Samoa Community College shall play an integral part in promoting programs and activities that protect preserve and perpetuate the community's social and cultural well-being.

8300 Sustainable Development

The American Samoa Community College shall teach, demonstrate and use sustainable development technologies and research based best practices that promote the economic, environmental and social health of the College and the communities it serves.

Chapter IX
MANAGEMENT INFORMATION SYSTEMS POLICY STATEMENTS

I. Information Technology

9000 Information Technology Purpose

The American Samoa Community College (ASCC) provides Information Technology (IT) resources for use by its student, faculty, and staff. Management Information Systems (MIS) includes, but not limited to, all College computing equipment, software, systems, networks, electronic mail, and internet access. Information Technology resources are the property of the American Samoa Community College and are provided for the campus community to support the College’s Mission, Vision, Purpose, and Institutional goals and objectives.

II. Computer Usage

9001 Rights and Responsibilities

The American Samoa Community College Web Site, Server, and all other related computer equipment and services shall be used only for academic, educational, or professional purposes which are directly related to official College business and in support of the College’s Mission.

Computer accounts and access are privileges, and require the individual user to act responsibly. By using the American Samoa Community accounts, users have agreed to respect the rights of other users and accounts, to use the account only for College-related purposes, and to safeguard the integrity of the system and its related physical resources. Users shall agree to observe all relevant laws, regulations, policies and contractual obligations of the College.

9002 Confidentiality

The American Samoa Community College does not guarantee or warranty the confidentiality of user files, including e-mail, except where legally or contractually protected. It is the practice of the College to respect the confidential nature of user files, but the Management Information Systems (MIS) division reserves the right to view or alter user files when it is necessary.

User files may also be subject to search under court order if such files are suspected of containing information that could be used as evidence in a Court of law. Student files as kept on College facilities are considered educational records as covered by the Family Educational Rights and Privacy Act of 1974 (Title 20, Section 1232(g) of the United States Code).

A system administrator may access or examine user files or accounts as required to protect the integrity of the computer system in include files or accounts that are suspected of unauthorized use or misuse, or that have been corrupted or damaged.

9003 Existing Legal Context

All existing Federal and Territorial laws and College regulations apply, including not only those laws and regulations that are specific to computers and networks, but also those that may apply generally to personal conduct.

Misuse of computing, networking or information resources may result in the loss of computing and or network privileges without notice. This includes both those that the College administers, and those that may exist in other

departments associated with the American Samoa Community College (ASCC) and connected to its network. Deliberate violations of these policies shall be dealt with in the same manner as violations of other College policies and may result in disciplinary sanctions including, but not limited to, loss of computer use privileges, dismissal from the College, and or appropriate legal action.

Additionally, misuse can be prosecuted under applicable statutes. Users may be held accountable for their conduct under any applicable College or campus policies, procedures, or collective bargaining agreements. Complaints alleging misuse of the College’s computing resources will be directed to those responsible for taking appropriate disciplinary action as specified under Enforcement below. Illegal reproduction of software protected by U.S. Copyright Law is subject to civil damages and criminal penalties including fines and imprisonment. (<https://www.copyright.gov/title17/>)

9004 Copyright

All users must follow all relevant copyright laws governing printing, scanning, reproduction, and distribution of software and other material in print or online, including text, fonts, graphics, sound, video and others. The End User License Agreement (EULA) for a product specifies the conditions under which a user may copy or install the product. The End User License Agreement also specifies the number of simultaneous users licensed to use the product.

9005 Nondiscrimination

All computer users must follow the Non-Discrimination and Harassment or Sexual Harassment policies.

Any user who files a complaint or otherwise protests against discrimination has the right to be free from any retaliatory action because of the complaint or protest.

9006 Obscene Materials

It is an unacceptable use of the College’s Computer Network to view, download, store or transmit pornographic or obscene materials.

9007 Game Playing

Recreational game playing is an unacceptable use of the American Samoa Community College Computer Network.

9008 Downloading

No on-line information may be downloaded and installed on the American Samoa Community College Computer Systems without the authorization of or supervision by the Management Information Systems Division.

9009 User’s Credentials

No person authorized to utilize the American Samoa Community College Computer Network and all related services may disclose his or her User Credentials to any other person.

9010 Transmission of Personal Information

Use of the American Samoa Community College’s network for transmission or receipt of credit card information, including the Primary Account Number (PAN), Personal Identification Number (PIN), expiration date or any other identifying information on a personal or business credit card is forbidden. No such data may be transmitted across the network by the use of email, chat, instant messaging service, or any other form.

9011 Decoding

A user is prohibited from decoding or attempting to decode passwords of access control information. This includes using the campus network to gain unauthorized access to any computer systems and attempting to circumvent data protection schemes to uncover security loopholes. Decoding further includes creating running and or distributing programs that are designed to identify security loopholes and or decrypt intentionally secured data.

9012 Disruptive Use

It is an unacceptable use to engage in activity that might be harmful to systems or to any information stored thereon, including creating or propagating viruses, disrupting services, or damaging files. Knowingly or carelessly performing an act that shall interfere with the normal operation of computer systems, including running, or installing, or giving to another user a program intended to damage or to place excessive load on a computer system or network is prohibited.

9013 Copyrighted Software

A user is prohibited from violating terms of applicable software licensing agreements or copyright laws. This includes making or using illegal copies of copyrighted software, storing such copies on the American Samoa Community College Computer System, or transmitting said copies over the American Samoa Community College Computer Network.

All users must follow all relevant copyright laws governing printing, scanning, reproduction, and distribution of software and other material in print or online, including text, fonts, graphics, sound, video and others. The End User License Agreement (EULA) for a product specifies the conditions under which a user may copy or install the product. The End User License Agreement also specifies the number of simultaneous users licensed to use the product.

9014 Systems Misuse

A user is prohibited from wasting or overloading system resources, such as:

- A. Printing resources – This includes, but is not limited to, printing multiple copies of a document or printing out large documents that may be available on-line, or that might impact significantly on other users’ printing services.
 - B. System file space – Storing or transferring of large files or using a large amount of file space in temporary file system area which degrades overall system performance or preclude other users right to access to disk storage also constitute misuse of resources. The Management Information Systems staff may remove or compress disk files that are consuming large amounts of disk space, with or without prior notification.
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9015 General Prohibition

A computer user is prohibited from performing any illegal act, including violations of Territorial and Federal, Civil or criminal laws and regulations.

9016 Commercial Use

Using your account for any activity that is commercial in nature resulting in personal income or profit is prohibited. Commercial activities include, but are not limited to, consulting, typing services, and developing software for sale. Account use to purchase textbooks and course materials, etc. is permitted.

III. Information Technology Communication

9017 Privacy

A user is prohibited from intercepting, decoding, blocking, or interfering with any communication intended for other persons.

To the greatest extent possible in a public setting, the College is committed to preserving an individual's privacy. Electronic and other technological methods must not infringe upon privacy. Users must recognize that the College's computer systems and networks are public resources (*See Confidentiality Policy 9002*). Users utilize such systems at their own risk. Users of the College's computer network system should have no exception of privacy over any communications, transmissions, or work performed thereon. The College reserves the right to interrupt a user's use of the College's computer network, or access a user's communications or transmissions for routine system maintenance, technical problems or criminal investigations.

9018 Electronic Mail

Users of the American Samoa Community College computer network system for electronic mail purposes should have no expectation of privacy over any e-mail communications or transmissions sent or received. The American Samoa Community College reserves the right to access or interrupt e-mail communications or transmissions for routine system maintenance, technical problems or criminal investigations. Each faculty, staff and student that receives an e-mail user account, which is used for all email communications at the College. Such accounts should be checked as often as may be necessary to ensure that any information is timely received. Faculty and staff usage of the email distribution group is for College business only.

9019 Internet Access

Access to the Internet has been provided to faculty, staff and students for the benefit of the College and students. It allows access to information resources and database around the world and everyone using the Internet from the College represents the College while on the Internet.

A. Acceptable Uses of the Internet

The College's Web Site, Server, and all other related computer equipment and services may be used only for academic, educational, or professional purposes which are directly related to official College business and in support of the College's mission. Students may use the Internet to research information or download files to be used in reports or presentations for class work. Staff may use the Internet in the course of their daily activities to access resources or research information to be used in the performance of their position.

B. Unacceptable Use of the Internet

The Internet will not be used for personal gain or advancement of individual views. This includes advertising for a personal non-College related business or sending e-mail to people to convince them of your opinion of a particular topic. In this case, the user should obtain an account from an Internet Service Provider (ISP) at their expense. The Internet must not be used to prevent others from being productive or disrupt the operation of the College networks. This encompasses e-mail spamming, sending harassing or threatening e-mail, or sending messages under an assumed name. Harassment of any kind is prohibited.

9020 Social Networking

Information technology resources provided by the College are the property of the College. Users will have no expectation of privacy when using such resources. The use of all College information technology resources for social media activities, including but not limited to, Facebook, Instagram, SnapChat, You Tube, Twitter, blogs or other form of social media, will be limited to academic, educational or professional purposes, which are directly related to official College business and in support of the College’s mission. All such uses must comply with the College’s computer use policies. Use of the College’s information technology resources for personal social media activities is prohibited.

9021 Harassment

No member of the community, under any circumstances, may use the College’s computers or network to libel, slander, or harass any other person. The following constitutes computer harassment:

- A. Using the e-mail to harass others.
 - B. Using the computer to annoy, harass, terrify, intimidate, threaten, offend, or bother another person by conveying obscene language, pictures, or other materials, or threats of bodily harm to the recipient or the recipient’s immediate family.
 - C. Posting on internal services information that may be slanderous or defamatory in nature.
 - D. Displaying sexually explicit, graphically disturbing, or sexually harassing images or text in a public computer facility, or location that can potentially be in view of other individuals, except when directly related to American Samoa Community College (ASCC) coursework.
 - E. Using the computer to disrupt or damage the academic research, administrative, or related pursuits of another.
 - F. Using the computer to invade the privacy, academic or otherwise, of another or the threatened invasion of privacy of another.
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9022 Intellectual Property

A user is prohibited from infringing on any intellectual property, copyright or trademark rights. Users are responsible for recognizing (attributing) and honoring the intellectual property rights of others.

9023 Academic Dishonesty

Users must always employ computing resources in accordance with the highest ethical standards. Academic dishonesty (plagiarism, cheating) is a violation of such standards.

9024 Security

Users are solely responsible for all materials viewed, stored, or transmitted by way of the College’s computer system. The American Samoa Community College expects that users will comply with all College rules and territorial and federal laws related to Internet use. Failure to do so may result in the supervision or revocation of a user’s access privileges. Users should have no expectation of privacy over e-mail transmissions, and the College reserves the right to access e-mail accounts for routine system maintenance, technical problems or criminal investigations.

9025 Violations

Violations of technology policies may result in disciplinary action, up to and including dismissal, as well as civil and criminal liability, and or a violation of the Electronic Communications Privacy Act of 1986, the Family Educational Rights and Privacy Act, infringement laws and Territorial or Federal sexual harassment or discrimination laws.

9026 Enforcement

The American Samoa Community College reserves the right to deny access to its computer and communications network to any user who breaches the technology policies or any other College Policy.

After appropriate investigation and or hearing procedures have been followed, the penalties below may be imposed under one or more of the following: College regulations, Territorial law and Federal statutes including the Computer Fraud and Abuse Act of 1986 and the National Information Infrastructure Protection Act of 1996.

Infractions of the American Samoa Community College technology policies may result in a temporary or permanent loss or modification of computer account and resource access privileges, and may be subject to further disciplinary action. Offenses which may be in violation of Territorial, State or Federal laws will result in the immediate loss of all computer account and resource privileges, and will be reported to the appropriate supervisors or instructor and or department chair involved, and law enforcement authorities.
